

Housing & Economic Development Committee Meeting

Tuesday, April 4, 2023 at 5:30 PM

This meeting will take place remotely using Zoom.



MEMBERS

Councilor Pious Ali,
Chair
Councilor Roberto
Rodríguez
Councilor Mark Dion
Councilor Regina
Phillips

This meeting will be held remotely pursuant to the Remote Meeting Policy adopted by the Portland City Council and as authorized under 1 M.R.S. 403-B because of the existence of an emergency or urgent issue that requires the Committee to meet by remote methods. Allow your computer to install the free Zoom app to get the best meeting experience. If you are not able to attend live, a recording will be available in the Agenda Center following the meeting.

For public comment, you will need to use the "raise your hand" feature. To raise your hand via the telephone, please hit *9. You will be unmuted by the host when it is time for public comment.

Please click the link below to join the webinar:

<https://portlandmaine-gov.zoom.us/j/81930284789?pwd=Sk9QRDdEVElqeEZsRUttb2NmQkJsZ09>
Passcode: 011706

Or One tap mobile :

US: +13052241968,,81930284789# or +13092053325,,81930284789#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 305 224 1968 or +1 309 205 3325 or +1 312 626 6799 or +1
646 931 3860 or +1 929 205 6099 or +1 301 715 8592 or +1 719 359
4580 or +1 253 205 0468 or +1 253 215 8782 or +1 346 248 7799 or +1 360
209 5623 or +1 386 347 5053 or +1 507 473 4847 or +1 564 217 2000 or +1
669 444 9171 or +1 669 900 6833 or +1 689 278 1000

Webinar ID: 819 3028 4789

International numbers available: <https://portlandmaine-gov.zoom.us/j/81930284789?pwd=Sk9QRDdEVElqeEZsRUttb2NmQkJsZ09>

To submit written public comment on an agenda item, email edd@portlandmaine.gov. Submissions must be received by 12:00 pm the day before the Housing & Economic Development meeting to guarantee their inclusion in the agenda packet. All submissions must include the commenter's name and legal address. To help ensure your comment is submitted for the correct item, please include the name of the agenda item (see below).

1. Review and accept Minutes of previous meeting held on March 21, 2023.

- a. See attached draft Minutes for review and approval.

2. **Presentation of Annual Report from the Permitting and Inspections Department regarding Short/Long Term Rental Registration Program and Housing Safety**
 - a. See attached Report.
3. **Communication - Memo from City staff regarding the Franklin Street Redesign Plan**
 - a. See attached Memo.
 - b. See attached public comment.
4. **Communication - Findings of January 2023 Housing Supply Boot Camp**
 - a. See attached Memorandum and backup.
5. **Communication - Memo from City staff regarding City-owned property - 0 Marginal Way Parking Lot**
 - a. See attached Memo regarding buildout scenarios.
 - b. See attached Memo regarding electronic vehicle charging stations.
 - c. See attached public comment.
6. **Communication - No vote or public hearing required.**
 - a. See attached 2023 Committee Work Plan and Schedule

Next Meeting Date: April 18, 2023

Minutes

Remote Housing and Economic Development Committee

March 21, 2023

NOTE: This meeting was held via Zoom and can be viewed at this link:

<http://www.portlandmaine.gov/1695/Economic-Development-Committee> These

Minutes provide a record of those in attendance, general discussion taking place, and motions made.

A remote meeting of the Housing and Economic Development Committee (HEDC) of the Portland City Council was held on Tuesday, March 21, 2023, at 5:30 p.m. via Zoom. Present from the Committee were Chair Pious Ali, and members Mark Dion, Regina Phillips, and Roberto Rodriguez. Present from the City staff were Interim Housing and Economic Development Department Director Mary Davis, Assistant City Manager Anne McGuire, Acting Corporation Counsel Michael Goldman, Parks, Recreation, and Facilities Department Director Ethan Hipple, Public Assembly Facilities Director Andy Downs, Acting Parks Director Alex Marshall, Compliance Officer Heidi McCarthy, and Housing Program Manager Victoria Volent.

Item #1: Review and vote on February 21, 2023 draft meeting Minutes

On motion made by Councilor Dion, seconded by Councilor Phillips, the Committee voted unanimously (3-0) to accept the Minutes as amended.

Item #2: (Public Hearing) Review and Recommendation to the City Council regarding the 2023 Jill C. Duson Housing Trust Fund Annual Plan

Mary Davis introduce this item together with agenda item 3, by starting with a broad review of the Affordable Housing Development and Tax Increment Financing Application, and the 2023 Jill C. Duson Housing Trust Fund Annual Plan. The 2023 housing investments goals and priorities were discussed. New this year, staff has included the goal of supporting “shovel

ready projects”. Also discussed was the application disbursement, review and scoring process, and eligible project guidelines. The City’s new JDEI Director Umaru Balde will review the application prior to distribution. Staff is seeking direction regarding guidelines and priorities for the allocation of city resources (i.e. HOME, Jill C. Duson Housing Trust Fund, and Affordable Housing Tax Increment Financing) as outlined in the July 1, 2023- June 30, 2024 Affordable Housing Development and Tax Increment Financing Application and the 2023 Jill C. Duson Housing Trust Fund Annual Plan.

Councilor Rodriguez joined the meeting at 5:42

Councilor Phillips asked clarifying questions regarding; affordability levels; maximum funding award amounts; is the American Rescue Plan funding a one-time grant (yes); what does the “right of first refusal” mean; are developers required to work with labor unions (projects approved for tax increment funding utilizing a credit enhancement agreement must compensate all employees the greater of Davis-Bacon wage rates or the prevailing wage rates); adding scoring points for projects that support inclusivity (the application does require all projects awarded HOME or other federal funding to follow Federal requirements which include the tracking, and reporting on outreach and contracts given to women and minority-owned business to ensure inclusion to the maximum extent possible. Applicants are encouraged to utilize firms certified as a Minority Business Enterprise or Women’s Business Enterprise as part of the development team).

Councilor Dion encouraged; a commitment to supporting the construction of rental units over home ownership units by including incentives for rental housing construction in the application; analyzing what it means, in relationship to available funding streams, to prioritizing the construction of units at 50% AMI; and clarifying the relationship between the City and the

Portland Housing Authority to capitalize on the expertise between the two entities.

Councilor Rodriquez supports changes to the application to ensure support of the Comprehensive Plan's goal to create housing along transportation priority nodes and corridors (within the Policy Objectives section of the scoring matrix, 7 points are awarded for site selections that supports the Comprehensive Plan goal for development along transit nodes and corridors), and prioritize alternative housing models such a cooperative housing.

Councilor Ali asked; if the Homeport program (direct financial assistance of up to \$30,000 to first-time homebuyers at or below 80% AMI for home purchase or general rehab) was still offered (no); can cooperative housing and land trust developers receive funding under the application (yes); staff to amend the application to include the corresponding dollar amount after each mention of an AMI percentage.

The Committee discussed amendments for this year's application and amendments for next year's application. For the current application, staff is directed to include language prioritizing construction of rental projects and projects at 50% AMI, and add a statement articulating the support of non-traditional housing models such as cooperatives and land trusts. For next year, new financing models (such down payment assistance) should be explored.

Councilor Ali opened the meeting to public comment.

Tyler Plante, a Development Officer at Portland Housing Authority thanked the City of Portland for supporting the creation of affordable housing through its Affordable Housing funding application. Funding is critical for the creation and maintenance of the PHA public housing portfolio. For every \$1 of HOME and Housing Trust funding, PHA leverages up to \$20 to \$30 or \$50 of other funds (LIHTC or bank loans). The low interest rate associated with the

funding is also very valuable. Housing created by PHA (through the HOME and HTF application) allows for the use of project based vouchers which are used by folks who make 30% or less of the area median income. Mr. Plante noted there is collaboration between the city and PHA based on a relationship of advice and assistance, and the relationship would only benefit from a deeper bond. Mr. Plante thanked the city and the HEDC for their work and commitment to affordable housing.

On a motion made by Councilor Dion, seconded by Councilor Phillips, the Committee voted unanimously (4-0) for the recommendation for adoption to the full council the issuance of the 2023 Jill C. Duson Housing Trust Fund Application as amended for income and rental housing priorities.

On motion made by Councilor Phillips, seconded by Councilor Dion, the Committee voted unanimously (4-0) for the recommendation for adoption to the full council the issuance of the 2023 Affordable Housing Development and Affordable Housing TIF Application as amended for income and rental housing priorities.

Item #3: (Public Hearing) Review and Vote to Approve the issuance of the 2023 Affordable Housing TIF and Affordable Housing Development Fund Application for the Jill C. Duson Housing Trust Fund, HOME Program

See above. Agenda items 2 and 3 were discussed concurrently.

Item #4: (Public Hearing) Review and recommendation to the City Council to continue to participate in the Cumberland County HOME Consortium

Heidi McCarthy presented an overview of the request for renewal of the Cumberland County HOME Consortium to the U.S. Department of Housing and Urban Development by June

30 for the contract period July 1, 2024 through June 30, 2027. Staff is requesting the Committee approve and recommend to the City Council that the City renew its participation in the Cumberland County HOME Consortium.

Councilor Phillips asked a clarifying question regarding Consortium participants. Staff noted the Cumberland County HOME Consortium includes 25 cities and towns including the cities of Brunswick and Portland. Citizens are not members of the Consortium.

Councilor Ali opened the meeting to public comment. Seeing no one, the public comment period was closed.

On a motion made by Councilor Rodriguez, seconded by Councilor Dion, the Committee voted unanimously (4-0) for the recommendation to the City Council to continue to participate in the Cumberland County HOME Consortium.

Item #6: Communication

Per the request of Councilor Ali, this item was taken out of order.

The Committee discussed when and how often they would like to meet during the month of April with a final determination the Committee would meet twice during the month of April on April 4 and April 18. During the May 16 meeting, the agenda will also include the presentation of the annual Housing Report by the Housing and Economic Development Department and the Planning Department, as well as a presentation on LD 2003. The previous request from the Rental Housing Advisory Committee will be added to the agenda pending discussions between Councilor Ali and staff.

A motion was made by Councilor Dion to enter into executive session, seconded by Councilor Rodriguez. Councilor Ali asked for a vote on the motion and it passed unanimously (4-0) to enter into executive session at approximately 6:50 p.m.

**Item #5: Executive Session: Review and provide direction to staff on negotiations
with USL Soccer Proposal at Fitzpatrick Stadium**

A motion was made by Councilor Phillips to adjourn the meeting, seconded by Councilor Rodriguez. Councilor Ali asked for a vote on the motion and it passed unanimously (4-0) to adjourn the meeting at approximately 8:13 p.m.

Respectively submitted, Victoria Volent



Memorandum

TO: Housing & Economic Development Committee
CC: Mary Davis, Interim Housing and Economic Development Director
Zachary Lenhert, Licensing and Housing Safety Manager
FROM: Jessica B. Hanscombe, Director of Permitting and Inspections
DATE: March 6, 2023
RE: Yearly update

The Licensing and Housing Safety Division is a division of the Permitting and Inspections Department. They are a staff of 13 employees: Licensing and Housing Safety Manager, Licensing and Registration Coordinator, 4 Licensing and Registration Assistants, 2 Health Inspectors, Marijuana Compliance Coordinator and 4 Housing Safety Inspectors. The Housing Safety Inspectors are both Certified Code Enforcement Officers and Certified Fire Inspectors. This division is responsible for all Long Term and Short Term Rental Registrations, Housing Inspections, Business Licenses and Health Inspections for the City of Portland.

Long Term Rental Registration:

In November 2020 and November 2022, the Citizens of Portland voted in the Tenant's Rights Ordinance and amendments to the ordinance. Since it went into effect, the Housing Safety Office has worked to provide as much clarity as it can, given the nature of the ordinance. This includes drafting FAQ's, the required tenant's rights notice that the ordinance mandate and a sample rent increase notice. These can be found on our website or in room 307 and I have included copies.

In September 2022, we sent a press release out and a direct email to all those that had registered LTRs in 2022 advising them of the CPI, what is required to register and how to sign up for online registrations. The first week of November 2022, we mailed out approximately 4,500 renewals to all that registered in 2022. We followed up a few weeks later with another notice regarding the changes to the ordinance because of the referendum in November. We also worked with the Landlords association to send out reminder notices to their email group, we did press releases and notices in the weekly newsletter.

Landlords and Property Managers could renew their 2023 registration online, emailing the forms to this division or by submitting hard copies to this office. We had 30% renew online in 2023 as of 2/28/2023. We accepted online registrations in 2022 also and only 14% were renewed online. I have included a copy of the most current application and the press release. The application can be found on our website or in room 307.

Some of the major changes for the amendment to the ordinance were:

- Previously late fees were \$10 a unit on 2/1 of each year. Currently late fees are \$50 a unit on 1/16 and then increase to \$200 a unit on 2/16 of each year.
- Property owners can no longer include Tax Rate increases in their rent increases
- Previously an increase in rental fees required a 75 day notice and currently it requires a 90 day notice

2023 Long Term Registrations (as of 2/28/2023)

Type	Amount
Properties	3455
Units	15,990

Staff is currently working on sending delinquent properties a second notice to renew along with a late fee per unit. We currently have 682 properties not in compliance. These are properties that have not done one or the combination of the following: not paid and/or has not submitted the required documentation.

Short Term Rental Registration:

The city continues to work with Host Compliance to ensure that all units are registered. I have included a copy of the most current application. This can be found on our website or in room 307.

As of February 28th, 42 units have been taken off the wait list and either issued a Non Owner Occupied License or is pending payment. We currently have 54 units still on the wait list. Some of the reasons that there were open spots are: change of ownership, conversion to a LTR, no longer a STR and failure to register by the deadline. Of the 42 units issued a license, 19 stated that they would be renting the unit out for both Long Term and Short term. 8 units indicated that they were not a Long Term rental before because they were owner occupied. And finally 15 units converting are from a LTR to a STR.

2023 Short Term Registrations (as of 2/28/2023):

Type	Total Amount	Island	Non Owner Occupied	Owner Occupied	Tenant Occupied
Property	639	92	278	245	24
Units	763	94	388*	257	24

*still working on the wait list -11 pending payment

The City contracts with Host Compliance to monitor our Short Term Rentals online. They monitor for unregistered units in the City, and we start this process in the beginning of April of each year. Over the years we have received comments that there are hundreds of non-compliant units in Portland. We investigate all complaints that we receive or that Host Compliance uncovers. Many are not in violation and here are some of the common reasons why:

- People in neighboring communities indicate Portland in their ad, but are not actually located here.
- Many people put their Short Term Rental listed on multiple sites to ensure they are seen and get rented. Therefore they are duplicates.
- Hotels, Motels and Inns are listed on Short Term Rental Sites. Host has those physical addresses and removes them from the violation list.
- Some of the units that are listed that are actually Long Term and not Short Term. (more than 30 day rentals)
- Listings that are still up, but have been blocked out for rental dates. They anticipate renting in the near future.

Any that are in violation are issued a Notice of Violation and we work to bring them into compliance.

2023 Inspections (FY23 7/1/2022-2/28/2023):

Please see the below chart for a breakdown of Inspections for the last 8 months for the Housing Inspectors.

Type	Amount
Housing Safety (Long Term Inspections & Re-inspections)	787
Housing Safety (Short Term Inspections & Re-Inspections)	36
Illegal Unit Inspections & Re-inspections	2
Complaints/Single Units/Infestations Inspections & Re-inspections	1562
Rent Control Inspections & Re-inspections	34
Total	2421

The Housing Safety Inspectors are also responding to after hour call backs from both the Portland Fire Department and Portland Police Department. I am called by dispatch or directly by the individual on the scene to assist. I contact an inspector to respond to the scene. A “normal” call would entail having the inspector on scene for 1-3 hours then follow up the next day with next steps for those impacted.

On the weekend of the February 4th and 5th, 2023 we responded to 79 calls and worked 34 hours straight. Due to the extreme cold, we had pipes bursting, no heat, alarm systems malfunctioning

and carbon monoxide issues. Below is some of the highlights of what this division did during that weekend:

- An Inspector secured a Fire Department radio, enabling us to work directly with Fire on scene- this was a time saver for both PFD, Dispatch and the inspectors
- Inspectors stayed on call throughout the event
- Inspectors allowed emergency repairs to occur so we could keep people in their homes
- Inspectors worked with Property Managers to get people moved to alternative housing
- Inspectors worked with Alarm and Sprinkler Companies to get the systems back online
- Inspectors worked on contacting our property owners that were impacted
- Inspectors answered calls to their cell phones from Property owners unrelated to the calls that came into dispatch
- Health Inspector was called in to assist with Food Establishments that were impacted.
- Director tracked the locations and created inspections in Energov
- Director monitored Housing Safety emails for any issues
- Director monitored See Click Fix for any housing issues

The Inspectors are continuing to work with the impacted properties. We have since reopened all the restaurants impacted and the majority of the housing units have been reoccupied. We do have units that may take up to a year to reoccupy and this department will prioritize all permits related to this weather event.

Rent Board:

The rent Board held their first meeting in April 2021. It was decided to hold meetings once a month. There have been a couple of months that 2 meetings were held.

It wasn't until the July meeting that the first request for a rent increase was heard. Between July 2021 and January 2023, they have heard 37 requests for Rent increases. The majority have been approved, but in a lesser amount. The board has also held one hearing on an illegal rent increase.

The Housing Safety Office staffs this committee. We are responsible for creating the agenda, complying the applications and requested documentation and keeping the minutes. This is a time consuming task that takes multiple hours each week.

Joint Housing Safety and Fire Prevention Staff Meetings:

In July 2019, we kicked off the first Joint Housing Safety and Fire Prevention Meeting. Staff is meeting every other month and had created FAQ's for different ordinances, trash, heat and secondary means of egress to name a few. The meetings ceased for about 18 months during the pandemic.

Enclosure:

Long Term Rental Application

LTR Late Fee Reimbursement Request

Notice of Rent Control Changes

Press Release

Rent Control FAQs

Rental Housing Rights

Sample Rent Increase Notice

Short Term Rental Application



LONG-TERM RENTAL REGISTRATION APPLICATION

Please use this application to register your rental units. A rental unit is any portion of a residential structure that is available to rent for any length of time to an individual. The Code of Ordinances (Chapters 6 & 14, Article VI) requires an owner, manager, and a person/entity to register a rental unit. Registration is due annually by January 1 or within thirty (30) days of leasing a new property. A registration application is not complete until payment is received and all forms are satisfactorily completed.

Please follow these steps to register a rental unit:

- ☐ 1. Provide required property, ownership, and contact information in Sections 1-3.
- ☐ 2. Estimate applicable discounts in Section 4.
- ☐ 3. Submit valid supporting documentation for discounts.
- ☐ 4. Calculate the fee owed with the table in Section 5.
- ☐ 5. Complete Additional Rental Information form for **EACH** unit as required by Section 6-151(f)
- ☐ 6. Invoice provided to the party certifying registration.
- ☐ 7. Pay fee owed after staff verifies fee discount documentation.

Long-Term Rentals (LTR)

A long-term rental is more than 30 days. The annual registration fee for a long-term rental is \$50 per rental unit minus any discounts of no more than \$20 per unit.



LONG-TERM RENTAL UNIT REGISTRATION APPLICATION

SECTION 1: PROPERTY INFORMATION

Street #: _____ Street Name: _____ Unit #: _____

Chart, Block, Lot #/Parcel ID: _____ Total number of Long-Term Rental Units: _____

SECTION 2: OWNER INFORMATION (Please complete only the applicable ownership section that applies)

Individual Ownership:

Owner First Name: _____ Owner Last Name: _____

Primary Telephone #: _____ Email Address: _____

Owner's Mailing Address: _____

Other Ownership (check one): ☐ **Partnership** ☐ **Corporation** ☐ **LLC** ☐ **Other** (Please explain)

A Completed Supplemental Corporation Sheet must be submitted with the application

Corporate Name: _____

Primary Telephone #: _____ Email Address: _____

Mailing Address: _____

SECTION 3: AUTHORIZED AGENT & CONTACTS

All properties must have an authorized agent for purposes of service. If property owner is a partnership, corporation, LLC or any other form of business entity, the authorized agent must be an individual who resides in the State of Maine.

Authorized Agent: ☐ Same as owner

Agent First Name: _____ Agent Last Name: _____

Primary Telephone #: _____ Email Address: _____

Agent's Mailing Address: _____

Property Manager: ☐ Same as owner

Manager's First Name: _____ Manager's Last Name: _____

Primary Telephone #: _____ Email Address: _____

Manager's Mailing Address: _____

Emergency Contact: ☐ Same as owner

Contact First Name: _____ Contact Last Name: _____

Primary Telephone #: _____ Email Address: _____

SECTION 4: FEE DISCOUNTS

Type of Discount	Valid Verification Documents	Discount	# of Units	Total Discount
Fully Sprinklered Building	Testing or Maintenance Report or Maintenance Contract from Preceding Year	\$10.00/unit		
Off-site Monitored Fire Alarm System	Fire Alarm System Monitoring Annual Contract	\$7.50/unit		
Subsidized Housing Housing Quality Standard (HQS)	HQS Inspection Report from Preceding Year	\$5.00/unit		
Public Housing Uniform Physical Condition Standard (UPCS)	UPCS Inspection Report from Preceding Year	\$10.00/unit		
No Smoking Lease	Copy of Signed Lease Language or Smoking Disclosure Form	\$2.50/unit		

*Please note there is a maximum of \$20 discount per rental unit.

SECTION 5: TOTAL ANNUAL CHARGES

Number of Long-Term Rental Units Registering	
Long-Term Rental Registration Fees (# of Long-Term Rental Units x \$50)	\$
Total of Fee Discounts from Section 4	\$
Total Annual Rental Registration Fee	\$

Payment Information:

Pay the registration fee:

- in person by cash, check, or credit card;
- mail a check - Make checks payable to "City of Portland" and note the CHART, BLOCK, AND LOT (CBL) on the check.

Please return completed application, documents and fees to:

Permitting and Inspections Department, Room 307
389 Congress St
Portland, ME 04101

For More Information:

<http://www.portlandmaine.gov/rentalregistration>

To the best of my knowledge, I certify that the information being registered is true and correct.

Applicant Name (Printed): _____

Applicant Signature: _____ **Date:** _____

Corporate Supplement

Questions 1 to 4 must match information on file with the Maine Secretary of State's office. If you have questions regarding this information, please call the Secretary of State's office at (207) 624-7752. Please clearly complete this form in its entirety.

1. Exact legal name: _____
2. Doing Business As, if any: _____
3. Date of filing with Secretary of State: _____ State in which you are formed: _____
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine: _____
5. List the name and addresses, titles of officers, directors and list the percentage ownership: (attached additional sheets as needed)

NAME	ADDRESS (5 YEARS)	TITLE	Ownership %

(Stock ownership in non-publicly traded companies must add up to 100%.)

Date: _____

Signature of Owner or Corporate Officer

Print Name of Owner or Corporate Officer

2023 LONG-TERM RENTAL ADDITIONAL INFORMATION

*This information must be provided for all short-term and long-term rental units. A separate form must be completed for **EACH** individual rental unit. Information requested is as of November 1, 2022 unless noted.*

SECTION 1: APPLICANT CONTACT INFORMATION			
<u>Name:</u>	<u>E-mail:</u>	<u>Phone #:</u>	
SECTION 2: PROPERTY INFORMATION			
<u>Street #</u>	<u>Street Name</u>	<u>Unit #</u>	<u>Chart, Block, Lot Number (CBL)/Parcel ID</u>
SECTION 3: RENTAL UNIT INFORMATION			
Is this unit exempt for any of the following? Check the box for any that apply. ☐ Owned, operated, or otherwise managed by a municipal housing authority? ☐ An accommodation provided in a hospital, convent, church, religious facility, or extended care facility? ☐ Dormitories owned and operated by an institution of higher education or by Portland Public Schools? ☐ In a building containing only 2, 3, or 4 dwelling units, one of which the landlord currently occupies as his or her principal residence? Or in an owner-occupied single-family home? ☐ An accessory dwelling unit, as defined in Chapter 14 of City Code? ☐ Publicly rent-controlled or subsidized (Section 8, GA, etc)? ☐ None of the above *If the unit is exempt, no further information is required. If "none of the above" is selected, please complete form			
What rent was being charged monthly for this unit as of June 1, 2020, or the Base Rent?			\$
What was the amount of monthly rent charged on November 1, 2021? (Previous Year)			\$
What is the amount of monthly rent being charged as of November 1, 2022? (Current Rent)			\$
What is the increase in monthly rent (if any) when compared to the previous year's rent?			\$
What amount of the monthly rental increase is attributable to:			
• The Allowable Increase Percentage (4.3% maximum for 2022):			\$
• The Tax Rate Rent Adjustment:			\$
• New Tenancy (up to 5% of Base Rent)			\$
• Banked Rent that was accrued in prior years:			\$
• Any Increase applied for and approved by the Rent Board			\$
What is the amount of monthly Banked Rent remaining with the unit?			\$
What was the amount of security deposit collected?			\$
Please provide the amount of any other payments or fees collected from the existing tenant(s) (other than a security deposit or rent).			\$
# of Bedrooms:		# of Bathrooms:	Does this unit include a kitchen? ☐ Yes, ☐ No

To the best of my knowledge, I certify that the information being registered is true and correct.

Signature: _____ Date: _____



Long-term Rental Registration Late Fee Waiver Refund Request

Sec. 6-152. Registration Fees. (e) Registrations that are not received by January 15, or within 14 days after entering the rental housing market, whichever is later, shall be subject to a late fee of \$50 per unit, and registrations that are not received by February 15, or within 45 days after entering the rental housing market, whichever is later, shall be subject to a late fee of \$200 per unit. Registrations shall not be renewed unless and until the registrant pays any applicable late fee. Incomplete or inaccurate registrations may be rejected and subject to all applicable late fees upon resubmission. The Permitting and Inspections Director may waive a late fee upon a showing of both hardship and good cause as to why the renewal was not timely.

All requests to have late fees waived and refunded must be submitted in writing. Please pay all fees first and if your request is approved your late fees will be refunded. Failure to pay the fees may result in additional late fees if subsequent deadlines are missed.

Name: _____

Phone #: _____ Email: _____

Long-Term Rental License #: _____

Amount of Late Fee reimbursement requested: _____

Please describe both the hardship and good cause as to why the renewal was not timely:



Dear Property Owner or Landlord,

On November 8, 2022, Portland voters passed a citizen initiative entitled, *An Act to Protect Tenants in Portland* (Question C), which affects your rights and responsibilities as a landlord. The purpose of this letter is to notify you of some of the changes in Question C that may require your immediate attention and action, including:

- Rental registrations that are not received by the City of Portland by January 15 shall be subject to a late fee of \$50 per unit.
- Rental registrations that are not received by the City of Portland by February 15 shall be subject to a late fee of \$200 per unit.
- No rent increases taking effect on or after January 1, 2023 may reflect a tax rate rent adjustment. This additional amount by which a Landlord may increase rent has been repealed as a result of Question C's passage.
- For all rent increases taking effect on or after January 1, 2023, a Landlord shall give 90 days' written notice.
- A Rental Unit in a building containing only two, three, or four dwelling units that is occupied by a Landlord who is not the property owner is no longer exempt from the Rent Control and Tenant Protections Ordinance.
- Any notice to tenants to increase rent on or after January 1, 2023 must include:
 - The date on which the tenancy began;
 - The date on which the rent will be increased;
 - Any remaining Banked Rent that has not been included in the current rent increase; and
 - The appropriate justifications for such a rent increase.

Notices that do not include the above requirements, including those notices that have already been sent, are void.

To review all of the changes made by Question C, please visit www.portlandmaine.gov/CAQ. This letter is not intended to be, and the City cannot provide you with, legal advice about Question C. If you require additional information or guidance, we recommend that you speak with an attorney.

We understand these changes may cause some challenges for you during the 2023 registration process. City staff are grateful for your patience and understanding as we work to implement these new requirements, review rental registrations, and provide you with whatever information we can to make this process easier.

Please contact rentcontrol@portlandmaine.gov with any questions.



From: **Jessica Grondin** <jgrondin@portlandmaine.gov>
Date: Wed, Sep 28, 2022 at 1:50 PM
Subject: RELEASE: City Alerts Landlords & Tenants to Allowable Rent Increases Per CPI & Tax Rate Adjustment
To: Jessica Grondin <jgrondin@portlandmaine.gov>



FOR IMMEDIATE RELEASE

September 28, 2022

MEDIA CONTACT

Jessica Grondin
207-272-7885

NEWS RELEASE

City Alerts Landlords & Tenants to Allowable Rent Increases Per CPI & Tax Rate Adjustment

Inform Landlords of supplemental information required during this year's long-term rental registration

PORTLAND, Maine – The City of Portland would like to inform landlords and tenants that the City has published the new allowable rent increase per the consumer price index (CPI) as well as the allowable tax rate rent adjustment.

In accordance with the Rent Control ordinance (Portland City Code, Chapter 6, Sec. 6-234(a)), on September 1 of each year, the Housing Safety Office is tasked with establishing and publishing the Allowable Increase Percentage and the Tax Rate Rent Adjustment for the following calendar year.

Based on the most recent available data from the Bureau of Labor Standards, from July 2021 to July 2022, the CPI-U for the greater Boston metro area advanced 7.0%. Therefore, the Annual Increase Percentage for calendar year 2023 is 7.0%.

Tax Rate Rent Adjustments are available if the City changes the mil rate as compared to the previous year and the property owner's taxes increase. The mil rate for the City has changed for this year therefore landlords are eligible to take the Tax Rate Rent Adjustments for 2023 if their taxes increased. The mil rate for fiscal year 2023 is \$13.61.

Additionally, landlords and property managers should be aware that the City's annual rental registration process is soon upon us. Long Term and Short Term Rental Renewals for 2023 are expected to be mailed out the first week of November.

The City is strongly encouraging landlords and property owners to renew their registrations online via our [Citizen Self Service portal](#) (CSS). This not only makes the process easier for those renewing their units, but it allows City staff to process the registrations more quickly and efficiently. Staff recommends that applicants log into CSS as soon as possible to ensure that their Long Term Rental (LTR) Licenses are displaying on their account. Please contact the Housing Safety Office at blcss@portlandmaine.gov if your LTR License is not linked to your account.

Landlords and property owners should also be aware that according to the new requirements of City Code, when registering a unit, a supplemental form with the following information must be supplied:

- The current rent charged at the time of registration;
- The increase in rent (if any) when compared to the previous Rental Year's rent;
- Whether the increase (if any) is attributable to:
 - the Allowable Increase Percentage and Tax Rate Rent Adjustment, as defined in Section 6-232; or
 - also includes Banked Rent, as defined in Section 6-232;
- The amount of Banked Rent, if any, accumulated in the previous Rental Year;
- The amount of security deposits or other payments demanded in addition to rent for each Covered Unit; and
- The number of bedrooms, number of bathrooms, and the presence or absence of a kitchen from each Covered Unit.

The Permitting & Inspections Department is creating a Frequently Asked Questions document to help guide landlords and property owners through the registration and supplemental form process. That information will be available in October on our [Rental Registration](#) page.

###



RENT CONTROL ORDINANCE - Frequently Asked Questions

(This is not a comprehensive summary of all the requirements of City Code, please refer to the Code of Ordinances and consult with an attorney to ensure compliance with all Federal, State, and municipal regulations)

1. Does the Rent Control Ordinance apply to all rental units in Portland?

The ordinance applies to all rental units in Portland, including short-term rentals.

The following types of units are exempt from the limits placed on rent increases:

- Units in an owner-occupied building containing either 2, 3, or 4 dwelling units;
- Units where rent is publicly controlled or subsidized (such as Section 8, GA, etc.);
- Accessory dwelling units;
- Units owned, operated, or managed by municipal housing authorities (such as Portland Housing Authority);
- Accommodations in a hospital, convent, church, religious facility, or extended care facility;
- Dormitories owned and operated by an institution of higher education or by Portland Public Schools

2. What is the Base Rent for a unit?

The *Base Rent* is the amount of rent charged for the unit in of June 2020. If the unit was vacant on that date, was not a rental, or did not exist, the Base Rent is the amount of rent agreed to by the first tenant.

3. How much can a landlord increase rents? (See examples on last page)

A landlord may only increase rent once every 12 months by an amount that conforms to the following:

- a. Allowable Increase Percentage: In 2023 a landlord may increase the rent by 7% of the *Current Rent*.
 - The *Allowable Increase Percentage* is established and published by the City of Portland's Housing Safety Office every September 1st to be used for the following calendar year.
 - The *Allowable Increase Percentage* in 2022 was 4.3%
- b. New Tenancy: A landlord may increase the rent by 5% of their *Base Rent* when a new tenant occupies a unit, but only if the previous tenancy was terminated voluntarily.
- c. Banked Rent: A landlord may use *Banked Rent* to increase rent.
- d. Additional Rent Board Approved Increases: A landlord may seek approval from the Rent Board by submitting an application to increase rent "to amount necessary to ensure a fair rate of return".

*** At no time may a Landlord raise rent of a Covered Unit by more than 10%.**

*** Landlords may not raise rent of a Covered Unit within 12 months of a previous rent increase.**



4. What is Banked Rent?

If a landlord did not use an allowable increase that they were eligible for under question 3 of this FAQ they can “bank” that amount to use in a future year. Any rent increases available to a Landlord in excess of 10% must be banked for later use.

5. What kind of notice must a landlord give tenants before a rental increase?

Before increasing the rent of a *Covered Unit*, a landlord must give tenants notice of any rent increase at least 90 days in advance. The notice must be in writing and must include: the landlord’s signature, the date which tenancy began, the date the increase will take effect, the amount of the increase, any remaining banked rent not included in the increase, and the reasons for the increase in rent (in question 3, a-d).

6. How much notice must a landlord give tenants before terminating tenancy?

A landlord must provide a tenant with a minimum of 90 days’ notice, except for the following:

- A landlord can evict a tenant with 7 days’ notice “for cause”, such as if the tenant destroys property or violates certain terms of the agreement.
- A landlord may terminate a tenancy by notice of 60-89 days if they if they provide an amount equal to one months’ rent for the inconvenience of terminating their tenancy; or,
- A landlord may terminate a tenancy by notice of 30-59 days if they provide an amount equal to two months’ rent for the inconvenience of terminating their tenancy.

7. What other requirements should tenants and landlords be aware of under this new ordinance?

This is not a comprehensive list of all the requirements of City Code, please refer to the City Code of Ordinances and consult with an attorney to ensure compliance with all Federal, State, and municipal regulations.

- Landlords may not charge application fees to potential tenants.
- Landlords may not require an amount more than one month of rent for a security deposit.
- Landlords must provide tenants with the City’s Rental Housing Rights Document at the start of a unit’s rental and any time the document is updated. This document can be found on the City of Portland Housing Safety webpage.
- Landlords must keep a signed acknowledgement of the receipt of the City’s Rental Housing Rights Document on file for three years;
- Landlords may not discriminate against tenants on the basis of their source of income or participation in various types of subsidized housing programs, such as Section 8, General Assistance, and others.
- No provision of the ordinance may be waived by a tenant, by agreement or otherwise.



Examples of allowable rent increases: *(These are examples only, please consult with an attorney with questions about your specific situation)*

1. Allowable Increase Percentage: The allowable increase percentage shall be determined on September 1 of each year. The Allowable Increase Percentage for 2023 is 7%

Example: Assume Current Rent is \$1500/month and the Allowable Increase Percentage is 7%.

$$\$1500 \times 7\% = \$105 \longrightarrow \$105 + \$1500 = \$1605 \text{ (new rent amount)}$$

2. New Tenant: Rent may be raised up to 5% of the *Base Rent* when there is a new tenant and the previous tenant left voluntarily

Example: Assume Base Rent is \$1300/month and the Current Rent is \$1500

$$\$1300 \times 5\% = \$65 \longrightarrow \$65 + \$1500 = \$1565 \text{ (new rent amount)}$$

3. Banked Rent: If a landlord had an allowable increase that they did not use, they may bank that amount and increase rent by the Banked Rent at a later date. A landlord may not raise rent more than 10% in a rental year.

Example 1: Allowable Increase Percentage was 4.3% for 2022, but the landlord did not increase rent for the covered unit in 2022. The Landlord could "bank" an amount equal to 4.3% of the rent to use in a future year.

- Assume rent was \$1500 Jan 1, 2022 and landlord did not increase the rent in 2022, they would have \$64.50 (4.3% of \$1500) of Banked Rent remaining to use in a future year.

Example 2: Annual Increase Percentage is 7% of Current Rent for 2023 and a New Tenancy allowable increase is 5% of Base Rent. Landlord raises the rent the maximum 10% in 2023, and the Landlord must "bank" the remaining amount to use in a future year.

- Assume *Base Rent* is \$1300/month and the *Current Rent* is \$1500
$$\$1500 \times 7\% = \$105 \text{ \& } \$1300 \times 5\% = \$65 \longrightarrow \$105 + \$65 = \$170 \text{ (Total eligible increases)}$$

*** At no time may a Landlord raise rent of a Covered Unit by more than 10%.**

$$10\% \text{ of Current Rent is } \$150, \text{ eligible increases total } \$170 \longrightarrow \$170 - \$150 = \$20$$

Landlord could increase rent by \$150 and bank \$20 for a future increase

$$\$1500 + \$150 = \$1650 \text{ (new rent amount) \& } \$20 \text{ in Banked Rent remaining}$$

City of Portland, Maine

Rental Housing Rights

Tenant/Landlord Rights and Responsibilities

The relationships between tenants and landlords in Portland are governed, in part, by the City of Portland Code of Ordinances and the State of Maine statutes, and cover a wide variety of topics. There are various resources for additional information, including [Pine Tree Legal](#) and the State of Maine's publication "[Consumer Rights When You Rent an Apartment](#)", and others. It is recommended that concerned individuals obtain professional legal advice, as necessary.

Rent Control

Landlords of rental units in Portland, that are not otherwise exempt, may only increase the rent once within a rental year. Before increasing rent, a landlord must give tenants written, signed notice at least 90 days in advance. That notice must include the date the tenancy began, the date of the rent increase, the amount of the increase, any remaining Banked Rent that has not been included in the increase and the reasons for the rent increase.. Generally, unless additional amounts are approved by the Rent Board, annual rent increases for existing tenants may not exceed the *Allowable Increase Percentage as defined by the City Code*.. Landlords may increase rent an additional 5% when a new tenant begins occupying the unit. A landlord may not raise the rent more than 10% in one year.

Termination of Tenancy

Landlords must provide all tenants at least 90 days written notice before terminating a tenancy without cause.. If a landlord provides an amount equal to 1 months' rent reimbursement to the tenant, tenancies may be ended by notice at least 60 days before they must move out. If two months' rent is provided in reimbursement, tenancies may be terminated by notice at least 30 days before they must move out. Landlords do not have to provide a reason for asking the tenant to leave.

A landlord may terminate a tenancy at will for cause with a minimum 7-day written notice if the tenant: (1) has caused serious damage to the apartment and has not repaired the damage; (2) has been a nuisance to other tenants or neighbors; (3) has made the unit unlivable or unfit to live in; (4) has changed the door locks and refused to give the landlord a key; or (5) is 7 days or more behind in rent.

Prohibited Discrimination

Housing discrimination on the basis of race, color, sex, sexual orientation, physical or mental disability, ancestry, national origin, or family status is prohibited by the City of Portland and the State of Maine. Landlords may not refuse to rent or impose terms of tenancy on any tenant who is a recipient of federal, state or local public assistance, including medical assistance and housing subsidies. Landlords may not refuse to rent or negotiate, deny a dwelling, or otherwise make unavailable, or retaliate, due to a tenant's participation in a Tenant Union. Unless a unit is otherwise exempt, landlords must also comply with reasonable requirements of any subsidy program, including filling out paperwork, allowing inspections, and making reasonable repairs.

Concerns, Complaints, or Questions

If you have questions about the City's ordinances on rent control and tenant protections, think your landlord has violated the City's ordinances, or want to file an appeal with the Rent Board, please contact the Housing Safety Office at housingsafey@portlandmaine.gov or 207-756-8131

Required Forms & Informational Material

Landlords must provide the following informational material and forms to tenants:

- The City of Portland Rental Housing Rights Document (above)

Forms required by the State of Maine:

- Energy Efficiency Disclosure
- Lead Paint Pamphlet - “Protect Your Family From Lead in Your Home”
- Lead Based Paint Disclosure Form
- Smoking Policy Disclosure (To be drafted by the landlord)
- Radon in Rental Housing Pamphlet
- Radon Disclosure

Please contact the agency providing the document for translation

By signing below, landlords and tenants acknowledge that they have read and understand the information contained within this document and landlords have provided tenants with copies of the informational material and forms noted above.

Landlord	Date
Tenant	Date
Tenant	Date
Tenant	Date

NOTICE OF RENT INCREASE

This is notice that your rent will be increased as of the date listed below and in the amount listed below. This notice is in accordance with the City of Portland Code of Ordinances, Sec. 6-234(d).

Section 6-234 (d): Before increasing the rent of a Covered Unit, a Landlord must send a signed document to the Tenant(s) no fewer than ninety (90) days before the effective date of the rent increase. This document must include the date on which the Tenancy began, the date on which the rent will be increased, the amount of the increase, any remaining Banked Rent that has not been included in the Rent increase, and the appropriate justifications for such a rent increase as defined in Section 6-234(b) above. Failure to provide such documentation shall be considered a violation of this Article, and any notice not containing all such documentation shall be void.

Date: _____

Address of Covered Unit: _____ Unit #: _____

Tenant(s) Name(s): _____

Date Tenancy Began: _____

Date on Which Rent Will Increase: _____

Base Rent: \$ _____ Current Rent: \$ _____

Total Amount of Increase: \$ _____ % of Increase: _____

New Rent: \$ _____

The total amount of increase conforms to the following allowable increases of Section 6-234(b):

1. Allowable Increase Percentage: \$ _____
2. New Tenancy: \$ _____
3. Banked Rent: \$ _____
4. Rent Board Approved Increases \$ _____

Date of Rent Board Approval: _____

Amount of Banked Rent remaining after increase: \$ _____

Landlord Signature

Date

Printed Name



CITY OF PORTLAND
Permitting and Inspections Department

SHORT TERM RENTAL UNIT REGISTRATION APPLICATION

Please use this application to register or renew a short term rental unit. A rental unit is any portion of a residential structure that is available to rent for any length of time to an individual. The Code of Ordinances (Chapters 6 & 14, Article VI) requires an owner, manager, and any other person/entity responsible for the property to register a rental unit. Registration is due annually by January 1. A registration application is not complete until payment is received.

Short Term Rentals (STR)

A short-term rental is less than 30 days.

Registration Fees:

Owner Occupied Units, Tenant Occupied Units, Island Short Term Rental	First Unit	\$ 100.00
	Second Unit	\$ 250.00
	Third Unit	\$ 500.00
	Fourth Unit	\$ 1,000.00
	Fifth Unit	\$ 2,000.00
Non-Owner Occupied Mainland Units	First Unit	\$ 200.00
	Second Unit	\$ 500.00
	Third Unit	\$ 1,000.00
	Fourth Unit	\$ 2,000.00
	Fifth Unit	\$ 4,000.00

Building Limits:

<u>Non Owner-Occupied Building</u>	<u>Owner-Occupied Building</u>
1-2 total units=1 Short Term Rental	1-2 total units=1 Short Term Rental
3-5 total units= 2 Short Term Rentals	3 total units= 2 Short Term Rentals
6-9 total units=4 Short Term Rentals	4 total units= 3 Short Term Rentals
10+ total units=5 Short Term Rentals	5 total units= 4 Short Term Rentals
	6+ total units=5 Short Term Rentals

Note: Tenant, owner and non-owner occupied units will all be counted towards these limits. Owners may register up to five units within their primary residence.



CITY OF PORTLAND
Permitting and Inspections Department
SHORT TERM RENTAL UNIT REGISTRATION APPLICATION

SECTION 1: PROPERTY INFORMATION		
Street Number	Street Name	CBL- Chart, Block, Lot Number (e.g. 001A__A001)

Type of Property*	
Total Number of Units in Building:	

*If located in a condominium or homeowners association, you attest that the use of the unit as a short term rental is allowed. Yes ☐ No ☐

SECTION 2: OWNER INFORMATION (COMPLETE AT LEAST ONE LISTED BELOW)		
A. Individual Ownership:		
Owner First Name	Owner Last Name	Primary Telephone Numbers
Mailing Address		Email Address
B. Corporate Ownership:		
**A completed Supplemental Corporation Sheet must be submitted with the application.		
Ownership form : ☐ Partnership ☐ Corporation ☐ LLC ☐ Other (please explain)		
Corporate Name		Primary Telephone Numbers
Mailing Address		Email Address



CITY OF PORTLAND
Permitting and Inspections Department

SECTION 3: AUTHORIZED AGENT (if different than owner)

If property owner is a partnership, corporation, LLC or any other form of business entity, the authorized agent must be an individual who resides in the State of Maine.

Registered Agent First Name	Registered Agent Last Name	Telephone Number
Mailing Address		Email Address

SECTION 4: PROPERTY MANAGER (if different than owner)

Property Manager Name	Telephone Number
Mailing Address	Email Address

SECTION 5: EMERGENCY CONTACT FOR PROPERTY (if different than owner)

Emergency Contact Name	Telephone Number
Address	Email Address

**SECTION 6: RENTAL UNIT
REGISTRATION**

Please describe the rental unit(s) by indicating the following:

Unit # (Describe rooms*)	Number of nights (Short Term)**	Number of nights (Long Term)**	Mainland	Island	Owner Occupied	Tenant Occupied	Non Owner Occupied

*If renting a room(s), please describe as Guest bedroom A, Master bedroom, Basement bedroom, etc.

**Report the number of nights rented the previous year from 11/1 through 10/31.

Note: Owner Occupied is defined as the unit the owner lives in for more than 6 months of the year.



CITY OF PORTLAND
Permitting and Inspections Department

SECTION 7: FEE DISCOUNTS*			
Type of Discount	Valid Verification Documents	Discount	Number of Rental Units
Fully Sprinklered Building	Testing or Maintenance Report or Maintenance Contract from Preceding Year	\$10.00/unit	
Off-site Monitored Fire Alarm System	Fire Alarm System Monitoring Annual Contract	\$7.50/unit	
Subsidized Housing Housing Quality Standard (HQS)	HQS Inspection Report from Preceding Year	\$5.00/unit	
Public Housing Uniform Physical Condition Standard (UPCS)	UPCS Inspection Report from Preceding Year	\$10.00/unit	
No Smoking Lease	Copy of Signed Lease Language or Smoking Disclosure Form	\$2.50/unit	

*Please note that there is a maximum \$20 discount per rental unit.

SECTION 8: TOTAL ANNUAL CHARGES	
Number of Rental Units Registering =	<u>Short Term</u>
Rental Unit Fees =	
Fee Discounts =	
Total Annual Rental Registration Fee =	

SECTION 9: Do you have ownership in any other short-term rental properties in Portland? If no, please put N/A. If yes, please list the addresses.



CITY OF PORTLAND
Permitting and Inspections Department

Did you complete?

- Rental Housing Registration Application
- Provide all fee discount verification documents.
- Provide a notarized Primary Residence Affidavit (unless a non-owner occupied unit).
- Provide a notarized Landlord Statement of Permission for a Tenant occupied unit.
- Corporate Disclosure
- Evidence of primary residence

Payment Information:

Pay the registration fee:

- in person by cash, check, or credit card;
- mail a check - Make checks payable to "City of Portland" and note the address on the check.

Please return completed application,
documents and fees to:

City of Portland
Licensing & Registration
389 Congress St, Room 307
Portland ME 04101

For More Information:

See www.portlandmaine.gov/housingsafety

To the best of my knowledge, I certify that the information being registered is true and correct.

Signature		Telephone Number
Relationship to Property	Date	Email Address

*****Office Use Only*****



CITY OF PORTLAND
Permitting and Inspections Department

CORPORATE DISCLOSURE

The answers to questions 1-4 must match the information on file with the Maine Secretary of State's office. Your certification must be in good standing. If you have questions regarding this information, please call the Secretary of State's office at (207) 624-7752. Please clearly complete this form in its entirety. Thank you.

1. Exact legal name: _____
2. Doing Business As, if any: _____
3. Date of filing with Secretary of State: _____ State in which you are formed: _____
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine: _____
5. List the names, addresses, and titles of the officers and directors and list the percentage of ownership (attach additional sheets as needed):

NAME	CURRENT ADDRESS	TITLE	OWNERSHIP %

(Stock ownership in non-publicly traded companies must add up to 100%.)

Signature: _____
Signature of Owner or Corporate Officer

Date: _____

Print Name of Owner or Corporate Officer



CITY OF PORTLAND
Permitting and Inspections Department

PRIMARY RESIDENCE AFFIDAVIT

I, _____, represent under oath that the following statements are true and correct to my personal knowledge:

1. I reside at _____, Portland, Maine, CBL _____ (the "Residence").
2. The Residence is currently my legal residence for government purposes, including property taxes and exemptions, voting, vehicle taxes and registration, licensing, benefits, and others, as applicable.
3. I reside at the Residence for more than one-half of the calendar year.
4. The Residence will remain my legal residence for more than one-half of the calendar year.
5. I have provided one of the following documents:
 - a. Valid Driver's License or State issued Identification ☐
 - b. Valid motor vehicle registration ☐
 - c. Proof of homestead exemption: ☐
 - d. Other (please list): _____

Date:

Signature

Personally appeared before me the above-named affiant and made oath that the foregoing affidavit is true and correct to his/her personal knowledge.

Date: _____
Notary Public/Attorney at Law

Staff Use Only:

Type of Verification Document:		Staff Initials:	
--------------------------------	--	-----------------	--



CITY OF PORTLAND
Permitting and Inspections Department

LANDLORD STATEMENT OF PERMISSION

I, _____, am the (authorized agent of the record owner/record owner) of the property at _____, Portland, Maine, CBL _____ (the “Property”).

_____ (“Tenant”), is a lawful tenant at (unit/apartment) _____ at the Property (the “Residence”). I give Tenant permission to rent the Residence as a Short Term Rental (“STR”) pursuant to the City of Portland Code of Ordinances (“City Code”) §§ 6-150 *et seq.*

I have reviewed the relevant portions of the City Code and understand the potential consequences of Tenant’s use of the Residence as a STR. I understand that Tenant’s use of the Residence as a STR may impact my ability to rent other units as STRs, or may impact the registration fee for renting other units as STRs. I also understand and agree that I am responsible for maintaining the Property in full compliance with state laws and local ordinances, including City Code §§ 6-200 *et seq.*, regarding Disorderly Houses.

Date:

Signature

Personally appeared before me the above-named affiant and made oath that the foregoing affidavit is true and correct to his/her personal knowledge.

Date:

Notary Public/Attorney at Law

Planning & Urban Development

Christine Grimando, AICP

Director



To: Chair Ali and Members of the Housing & Economic Development Committee

From: Christine Grimando, Planning & Urban Development Director

Date: March 29, 2023

RE: Franklin Street Redesign + Housing

Introduction

At the March 8th Sustainability & Transportation Committee meeting, DPW staff presented current transportation project priorities at various stages of planning and implementation. These include the Franklin Street Redesign, Libbytown Safety & Accessibility Project, and Brighton Avenue Multi-Modal Project, among others. Planning & Urban Development and the Department of Public Works work closely on these initiatives, particularly in the planning and design phases and for coordinating land use and transportation goals. Among the transportation design goals presented on March 9th were:

- Multi-modal – making streets work for all users
- Safety – slowing down traffic and reducing conflict points
- Climate change – smart transportation design to reduce carbon and other emissions
- Economic Development – access to existing goods/services, while creating opportunities for new ones
- Local context – land uses, neighborhoods, and zoning as inputs to transportation outcomes
- Housing - focusing on transportation outcomes that foster housing opportunities

Below is a brief snapshot on the status of the Franklin Street Redesign, and the implications of the project for housing opportunities.

Background

The project location is Franklin Street from I-295 to Commercial Street. Planning for a redesigned Franklin Street dates back 2010 (project timeline below).

Franklin Street: Project Timeline

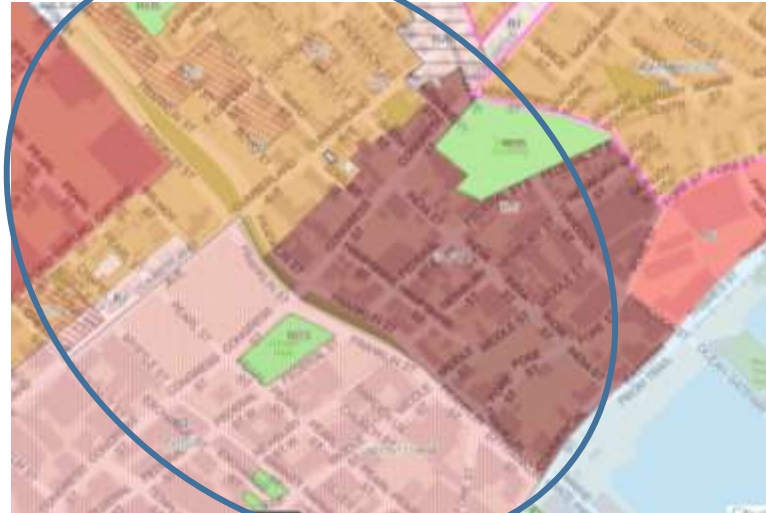


Franklin Street is a critical vehicular transportation corridor for the city, but planning efforts to redesign the street have recognized that it can continue to provide vehicular capacity while also safely supporting other modes of transportation, encouraging other land uses along the street for development and redevelopment, using land more efficiently, and better connecting the neighborhoods it passes through. The redesign would introduce a more multi-modal approach, and greatly improve connectivity east to west and north to south across the peninsula. It would also, in its more efficient use of space, create opportunities for housing production (and potentially other mixes of uses, as well).

City staff estimates at this stage of the project are that approximately four acres of land could be freed for other uses through the redesign of Franklin Street. These will not be contiguous acres, and may vary in their value and suitability for development. In addition to this publicly-owned land that could be dedicated to housing creation, a redesign of the corridor and the attendant improvements to the streetscape could also spur a reorientation toward the street and new investment from other property owners. Originally designed to function more as a highway than a city street, the majority of the adjacent properties that abut the corridor are oriented away from it, but recreating it as a multi-purpose city street would encourage a different and more dynamic relationship between Franklin Street and its abutting neighborhoods and local connecting streets, such as Somerset/Fox, Oxford, and Middle Streets.

The project area for Franklin Street currently includes six different zones (B-5, B7, R6, R7, IS-FBC, B-3), reflecting the adjacent neighborhoods. The existing zoning allows a range of maximum heights and residential densities, from 45 feet to 125 feet, and some adjacent zones provide further flexibility in the form of affordable housing height and density bonuses. Current maximum residential densities range from 725 square feet per dwelling unit (approximately 60 dwellings per acre), to no maximum density at

all. Under current zoning a variety of buildout scenarios are possible, and it is premature to say the total number of potential housing units until more information on the dimensions of the redesign is available, but there is the possibility for hundreds of new housing units. For reference, two illustrative examples of recent projects in these adjacent zones include 200 Federal Street (B-3 zone, approx. 17,000 sf parcel, 190' height, 263 dwelling units), 169 Newbury Street (IS-FBC, approx. 10,000 sf parcel, 77' height, 26 dwelling units). In the future, there could also be a more cohesive approach to zoning along the street to allow for growth that parallels the redesign of the public spaces.



Franklin St. Zoning Map



200 Federal Street



169 Newbury Street

The creation of new housing and active uses oriented toward Franklin Street will help foster a safer, more successful and vibrant street, and the success of the street redesign will in turn make it a more desirable place to orient housing and active uses, and the two planning components, land use and transportation, are inseparable. Rezoning the corridor to facilitate desired city outcomes will also help to realize these goals, though a considerable amount of housing could be constructed under the existing, eclectic zoning there now. Next steps include preliminary design work on the corridor, including from a

transportation and land use perspective, additional public engagement, and the development of a funding strategy. This initial work will proceed as a collaboration between DPW and Planning & Urban Development using local funding sources, though significant federal funding would be necessary to ensure final design and construction. The March 9th S&T Committee transportation priorities memo as well as a video of the presentation made at the meeting can be accessed at:

<http://portlandme.civicclerk.com/Web/GenFile.aspx?ar=2500> and

<http://portlandme.civicclerk.com/Web/Player.aspx?id=6217&key=-1&mod=-1&mk=-1&nov=0>



Mary Davis <mpd@portlandmaine.gov>

Franklin St

1 message

Markos Miller <markossmiller@hotmail.com>

Sat, Apr 1, 2023 at 12:27 PM

To: Pious Ali <pali@portlandmaine.gov>, Roberto Rodríguez <rrodriguez@portlandmaine.gov>, "rphillips@portlandmaine.gov" <rphillips@portlandmaine.gov>, "mdion@portlandmaine.gov" <mdion@portlandmaine.gov>
Cc: Mary Davis <mpd@portlandmaine.gov>, Christine Grimando <cdg@portlandmaine.gov>

Councilor Ali,

I'm please do see Planning Director Grimando's memo to your committee regarding opportunities for housing on a redesigned Franklin St.

I look forward to this initial discussion and am pleased by the direction the City appears to be approaching this important work.

A citizen driven analysis of the corridor, aided by design and development professionals, is indicating that the future alignment of the roadway will impact development opportunities on entire blocks. We will best be able to understand the extent of the housing and development opportunities if the City chooses to examine the street design and the creation of developable parcels hand in hand.

As our citizen research team is discovering, there are a wide array of economic issues, including lot sizes, land values, zoning, and future tax revenue that provide a richer development context in which to consider roadway design options. It's clear that there is a trade-off that must be considered: number of travel lanes versus housing units. A public analysis of the necessity of roadway width and housing should be an integral part of next steps in the Franklin process.

A helpful addition to this analysis would be potential land values for reclaimed land. The City's sale of the Public Works parcels might serve as valuable comparable land values. Public records show the sales value of these properties, but the City also had assessed values for these properties (probably higher than sale price), which are probably accessible to City staff (committee records?). With these assessed values, one could extrapolate future taxable property values, post-development, and then consider issues of zoning in a comprehensible fashion.

I encourage the committee to gather data to inform these discussions and to develop a work plan to arrive out potential zoning/development schemes that can clearly present trade-offs and inform roadway design decisions.

I appreciate the work of staff and councilors to advance our understanding of the opportunities to create a more vibrant Franklin St. that works better for our city not only as a means of transportation, but as place to live, work, and enjoy.

Sincerely,
Markos Miller

Markos Miller
17 Atlantic St
Portland, ME
04101
(207) 807-2681

To: Mayor Snyder and members of the Portland City Council

From: Nell Donaldson, Director of Special Projects, Dept. of Planning & Urban Development

CC: Christine Grimando, Director, Planning & Urban Development

Date: March 17, 2023

RE: Findings of January 2023 Housing Supply Boot Camp

In late January 2023, the Planning & Urban Development Department, with help from the Departments of Housing & Economic Development and Permitting & Inspections, hosted a one-day intensive ‘housing supply boot camp.’ The boot camp was an outgrowth of the City’s involvement with the New York University (NYU) Housing Solutions Lab, and was designed to help the City gain a broader understanding of challenges and opportunities around housing creation in Portland. It brought together 14 external stakeholders representing the development, architecture, construction, financial, affordable housing, and real estate industries for a facilitated discussion with housing policy experts from the Lab, with City staff in a supporting role.

The discussion resulted in a list of ideas to encourage additional housing production in Portland. While some of these ideas represent large, structural changes that extend beyond the City’s immediate reach, the group also lit on some more readily implementable ideas around the development review and approval process, cross-departmental integration, land use policy, and housing programs. In the time since the boot camp, staff has been working on ways to incorporate some of these ideas into its ongoing work, particularly through the ReCode lens. The work of pursuing concepts from the boot camp is expected to continue over the coming months and years.

For a summary of the findings from the boot camp, see Attachment 1.

Attachments

1. Housing Supply Boot Camp Summary

Housing Supply Bootcamp

Portland, ME

January 27, 2023

Background

On January 27, 2023, 14 external stakeholders and numerous city officials convened for an intensive six-hour Housing Supply Bootcamp focused on identifying barriers and solutions to expand Portland's housing stock. Facilitated by Jeffrey Lubell and Stephen Whitlow from Abt Associates and Vicki Been and Jess Wunsch from the Housing Solutions Lab at the NYU Furman Center, the session aimed to build knowledge and brainstorm new ideas for helping the City increase the production of diverse housing types.

This report briefly summarizes the main ideas that emerged from the session. It is organized into three main sections: (A) Top Priorities; (B) Barriers; and (C) Solutions. The summary doesn't represent recommendations from the consultant team, but is provided as stakeholder feedback for the City of Portland to consider in its own decision making process. See the Appendix for the agenda and list of attendees.

A. Top Priorities

Participants identified various barriers and solutions for increasing the City's housing supply. When asked to identify their highest priorities, participants most commonly selected one or more of the following three solutions:

1. **Increase the allowable height and density and eliminate required setbacks** on the Portland Peninsula and along major streets off-p Peninsula. This increase in building envelope would improve the financial feasibility of residential development in those areas.
2. **Increase staffing for the permitting and planning departments.** Lengthy permitting and approval processes increase costs, causing some developers to shift development away from Portland to nearby communities where permitting timelines are perceived as faster. Adding staff to these departments, perhaps in the form of an interdisciplinary innovation team to shepherd certain categories of projects through the process, could help expedite these processes. Associated permitting revenue could help offset the staff costs.
3. **Generate revenue for affordable and workforce housing through general obligation bonds.** A growing number of cities are using general obligation bonds as a way to generate revenue that can be used to help make desired development feasible. These funds would give Portland greater ability to support development types that are difficult to finance.

B. Barriers

The following are the principal barriers that external stakeholders identified to the increased production and diversity of the City's housing supply:

Construction Cost Increases

- Sharp increases in **materials costs**.
- **Increased labor costs** related to shortages of skilled labor.
- **Higher interest rates** have reduced the amount of debt that can be borrowed against a set rent or home purchase price.
- One result of the construction cost increases is a shift from non-luxury multifamily rentals to **luxury rentals, condos, and hotels**, which can better absorb higher construction costs.

Regulatory Barriers

- **Expanded inclusionary zoning (IZ) requirements under recent referenda** have increased the share of affordable units required from 10% to 25% and deepened the level of required affordability from 100% of AMI to 80% of AMI. These new requirements, especially when combined with construction cost increases, have made it virtually impossible to build new housing of 10 units or more without public subsidy.
- **Height limits, density limits, setbacks, and setbacks** impede the development of larger projects that can better take advantage of economies of scale.
- **Insufficient land zoned for multi-family** limits potential for housing development.
- **Limitations on the availability of density bonuses**, which are available in certain districts but not others, inhibit their usefulness.
- **Building code requirements and stringent application of the standards** result in increased construction costs and a longer permitting process.

Approvals Processes

- The approvals process for new development can be **lengthy**, adding time and cost to projects.
- Review processes can be **duplicative**, with projects going through multiple layers of City and public review. Projects that need subsidy also go through duplicative review processes. There can also be duplicative inspection processes.
- **Development review technology is cumbersome**, making status tracking difficult. The development review interface may be particularly challenging for small developers. .

- **Insufficient staff in permitting and planning departments** to process applications expeditiously.
- **Challenges getting approval for adaptive reuse and renovation projects.** The City requires rehabs to obtain a permit before beginning construction, but with adaptive reuse projects, an applicant can't always know the location of the building's pipes and wiring without opening up the walls. Also, the City now requires renovation projects to document the existing building in its entirety, which adds complexity and costs.
- **Public comment requirements are not flexible enough** to allow a meaningful exchange of ideas and can be duplicative.

Opposition

- Opposition to new development is perceived to be particularly challenging in **lower-density locations off-peninsula.**
- Housing development can face **public opposition**, which can come from some historic preservation advocates, open space and land conservation advocates, people concerned about traffic congestion, and wary neighbors.

Challenges to Accessory Dwelling Units (ADUs)

- **Lack of awareness of ADUs** and the process for getting one approved.
- Hard to know **where to start**, how to find a builder, how to go through permitting, etc.
- **Financing** for ADU construction.

Public Understanding

- There seems to be a **lack of understanding** among members of the public, and possibly elected officials, **about the realities of the development process** and the effects of things like the new IZ policy on the City's ability to achieve its equity and inclusion goals. If developers cannot make the numbers work under the new IZ policy, they won't build at all or will shift to build luxury rentals, condos, and hotels, which can better support the higher costs.
- Some members of the public still seem to hold a view of Portland as a **sleepy city where things shouldn't change much.** This contributes to support for goals like historic preservation or open space conservation without necessarily a full accounting of the equity and inclusion risks related to housing underproduction.

Other Barriers

- **Referendum** process makes it too easy to adopt new policies that sound good on paper but may be counterproductive. It's challenging to communicate the downsides of proposed referenda, as the public is generally not very sympathetic to developers.

- **Lack of transportation options** limits the ability to build at higher densities. Portland needs more bike lanes and regional transportation solutions that allow people to get where they want to go without a car.

C. Potential Solutions

The following are potential solutions that external stakeholders identified to help increase the production and diversity of the City’s housing supply:

Height and Density Increases

- Increase the permissible **height** of buildings and **eliminate setback** requirements on the Portland Peninsula and along major arterials (e.g., Brighton, Forest, Congress, and Washington Avenues, and anything with four lanes could support 12 stories).

Inclusionary Zoning

- **Identify “offsets” that would make it easier for developers to meet the heightened IZ requirements.** For example, one idea is to make the **affordable housing density bonus** available citywide rather than just in a limited number of zones.
- **Conduct an analysis** to determine whether (and if so, how) the new inclusionary zoning requirements are affecting Portland’s housing supply. If the analysis suggests that the policy is suppressing needed development, **consider revisions to the IZ requirements** and/or new offsets to make more developments financially feasible.
- **Make pro forma financial statements or other data available** to help members of the public better understand the **effects of heightened inclusionary zoning requirements** on the supply of housing and the impacts that a reduced housing supply has on affordability and equity.

Development Opportunities

- Engage **employers that own land** as partners to make land available for development. (See Mercy Hospital as an example.)
- Prepare an inventory of **parking lots** owned by individual retailers and other businesses to identify whether some could be developed as housing.
- Strengthen partnerships between the **Portland Housing Authority (PHA)** and the City and State to expedite and expand efforts to develop additional affordable homes on land owned by the PHA.
- Study the potential to **repurpose some office space** as housing.

- Consider additional ways to **make publicly owned land available** to develop affordable homes, including land owned by entities like the MaineDOT or Portland Water District.
- Provide regulatory tools to **discourage vacant land and vacant buildings**, including the potential for financial penalties, thereby encouraging development and redevelopment.
- Evaluate the possibility of allowing residential uses in **industrial areas**.

Planning Process Modifications

- **Establish a “concierge” service** to help shepherd larger or more complicated housing projects through the permitting process and other necessary approvals.
- **Fast-track** the approvals processes for projects that provide housing, including missing middle housing.
- **Improve the permitting tracking system** so that developers can better understand where their application stands and what needs to happen next.
- Facilitate **alignment and collaboration between the planning and permitting departments** to identify opportunities for streamlining and expediting both processes.
- **Eliminate redundant reviews and building inspections**, such as the duplication that happens when a project uses historic tax credits or other housing subsidies. Use remote inspections.
- Develop new processes to facilitate **adaptive reuse** (such as not requiring that contractors know where utilities are located before they can file for a permit). Examine whether requirements for updating older building systems during rehabilitation can be streamlined.
- Develop **pre-approved designs** for standard housing types (such as ADUs and triple-deckers) to provide greater certainty to developers and expedite the approvals process.
- **Increase the frequency of planning board meetings** and/or **reduce the number of projects that require planning board approval** to expedite the approvals process.

Public Participation Process

- **Streamline public participation** requirements to increase flexibility and reduce duplication. (For example, public consultation needs to happen within a certain number of days of Planning Board, so if the public participation occurs earlier, it would need to be repeated.). Flexibility in required neighborhood meeting timing and format, as well as which meetings were required to allow public comment were specifically mentioned.
- **Educate city residents about the public participation process** so they can engage meaningfully and have realistic expectations.

Staffing Changes

- **Add staff to the planning and permitting departments** in a targeted way to expedite planning/permitting/inspections.

Fundraising Ideas

- **Streamline the process of establishing tax-increment financing districts** to generate more revenue that can support affordable housing.
- Consider the use of **general obligation bonds** for affordable housing.

Coalition Building

- Contact individuals or groups involved in supporting **recent referendums** on inclusionary zoning etc., to facilitate a conversation about the practical effects of these changes on the City's ability to develop housing affordable to moderate-income households.
- Build a coalition to support **education and advocacy** of efforts to reduce barriers to new development, similar to a builder's association, Urban Land Institute (ULI) chapter, or YIMBY (short for "Yes in My Backyard") group.

Other

- Identify ways to **more comprehensively support the development of ADUs**. This could include, among other things, pre-approved designs, help with financing, scoping, identifying contractors, and permitting.
- **Conduct trainings for new developers** to help them learn about the building industry and how to navigate the planning and other approval processes.
- **Expand training for building contractors** to help meet the labor shortage.

AGENDA

- **Setting the stage**
- **What did the facilitation team learn from stakeholders about barriers to increased supply?**
- **Identifying the barriers to an increased supply of housing**
- **Lunch**
- **What possible solutions did stakeholders share?**
- **Identifying possible solutions**
- **Prioritizing solutions: Identify the top 3-5 actionable items and the next steps for each**
- **Wrap up and next steps**

ATTENDEES

Stakeholders

Kevin Bunker, Developers Collaborative
Evan Carroll, Bild Architecture
Erin Cooperrider, New Height Group
Catherine Culley, Redfern Properties
Sean Dundon, Former Planning Board Member

Tom Landry, Benchmark Real Estate
Michael Martone, Hayrunner/MEREDA
Christian Milneil, PHA Board Member/Reporter (off-duty)
Mara Pennell, Bath Savings Bank
Cordelia Pitman, Wright-Ryan Construction
Maggie Stanley, Westbrook Development Corporation and Planning Board Member
Nathan Szanton, Szanton Company
Jesse Thompson, Kaplan Thompson
Jay Waterman, Portland Housing Authority

City Staff

Mary Davis, Interim Director, Housing and Economic Development Dept.
Nell Donaldson, Director of Special Projects, Planning and Urban Development Dept.
Christine Grimando, Director of Planning, Planning and Urban Development Dept.
Matthew Grooms (Development Review Services Manager, Planning and Urban Development Dept.)
Chris Jennette, Recode Consultant, Camiros
Kevin Kraft, Deputy Director of Planning, Planning and Urban Development Dept.
Christina Stacey, Permitting Manager, Permitting and Inspections Dept.

Elected Officials

City Council Member Pious Ali
City Council Member Roberto Rodriguez



Housing Solutions Lab

The Housing Solutions Lab at the NYU Furman Center works with cities across the country to design, monitor, and evaluate promising local housing policies. With funding support from the Robert Wood Johnson Foundation, the Lab seeks to help cities advance evidence-based local housing policies that promote racial equity; increase access to opportunity; and support resident health and well-being. The Lab serves cities of all sizes, with a focus on small and midsize cities (those with populations of 50,000 to 500,000).



Abt is a mission-driven consulting organization with expertise in research and technical assistance across a range of policy domains, including housing and community development, financial capability, health, education, workforce development, food security, climate resilience, and the environment. Abt is pleased to partner with the NYU Furman Center on Local Housing Solutions.

To: Chair Ali and Members of the Housing & Economic Development Committee

From: Christine Grimando, Planning & Urban Development Director

Date: March 29, 2023

RE: 0 Marginal Way Parking Lot Buildout Scenarios

Introduction

Below represents an assessment of housing potential for a surface parking lot on Marginal Way. Included in the assessment are scenarios that retain parking, allow for EV parking spaces, development the lot entirely for housing. There's a range of possible housing outcomes, depending on amount of space dedicated to parking, # of bedrooms and size of dwelling units, changes to any of which would change the total housing potential. The lot itself is shallow in depth, tapering to a narrow point to the east, and its dimensions may present challenges for architects and engineers designing the site, which the below estimates do not take into account. The below estimates are by no means conclusive, but are estimates based on total lot area, maximum heights permitted, and sizes and types of housing units recently successfully approved and constructed or under constructed. Three of the four scenarios below draw directly from how space has been used in specific local projects on Chestnut Street, Federal Street and Marginal Way.

Zoning Context

The parcel is located in the B-7 zone, which does not include a lot area/dwelling unit standard, which sets the maximum residential density in many zones. For instance, if the lot were zoned R-6, which has a min lot area/dwelling unit of 725 sf, the 31,133 sf lot would have a maximum density of 42



Figure 1, 0 Marginal Way lot boundary w/lot depths

units of housing ($31,133/725 = 42.9$). Therefore, there is not a prescribed amount of maximum housing that could be created on the site. Several scenarios for how the site might be built out are given below, taking into account other dimensional standards, different dwelling sizes and bedroom mixes, and recent development scenarios from recently approved multi-family buildings.

Dimensional Standard	B-7 Requirement
Front Setback (max.)	10 feet
Min. Side Setback	None
Min. Rear Setback	None
Max. Height	85 feet
Min. Height	3 floors
Lot Area/Dwelling Unit	None
Max. Lot Coverage	None

Though the zone has no density maximum, it has other dimensional standards that will shape what can happen on the lot, such as min. and max. heights and a maximum front setback, as well as design guidelines. As part of the Bayside Height Overlay, it is surrounded by maximum heights that exceed 85 feet (125' immediate to its west and on the facing side of Marginal Way).

Buildout Scenarios

The following scenarios are based on sample square footages and types of housing units, which may vary by total size, number of bedrooms, etc. Estimated space for hallways and egress have been removed from the total square footage. EV charger estimates are included in some of the scenarios, but if added into any of the below, the assumption is that 4 EV spaces, including one ADA stall and supporting equipment, will reduce the total parking space count by one. Massing of the hypothetical building is shown in green, with white blocks showing existing building envelopes.

Scenario 1 is the least dense development scenario, and assumes a relatively large average unit size and a mix of bedroom counts. It does not make use of the full lot for the hypothetical building, and assumes a mix of structures and surface parking. Depending on total parking provided, it could accommodate 70 – 80 dwellings.

Scenario 1

- Square feet/floor: 11,600 (Based on floorplate from 75 Chestnut Street)
- # of dwelling units/floor: 10 (3 1-Bedrooms, 7 2-Bedrooms)
- Average unit size: 1,028 sf
- Ground floor for structured parking and 7 upper floors for housing:
70 units with 65 parking spaces (35 structured [4 EV] and 30 surface)
- All 8 Floors for housing:
80 units with 30 surface parking spaces



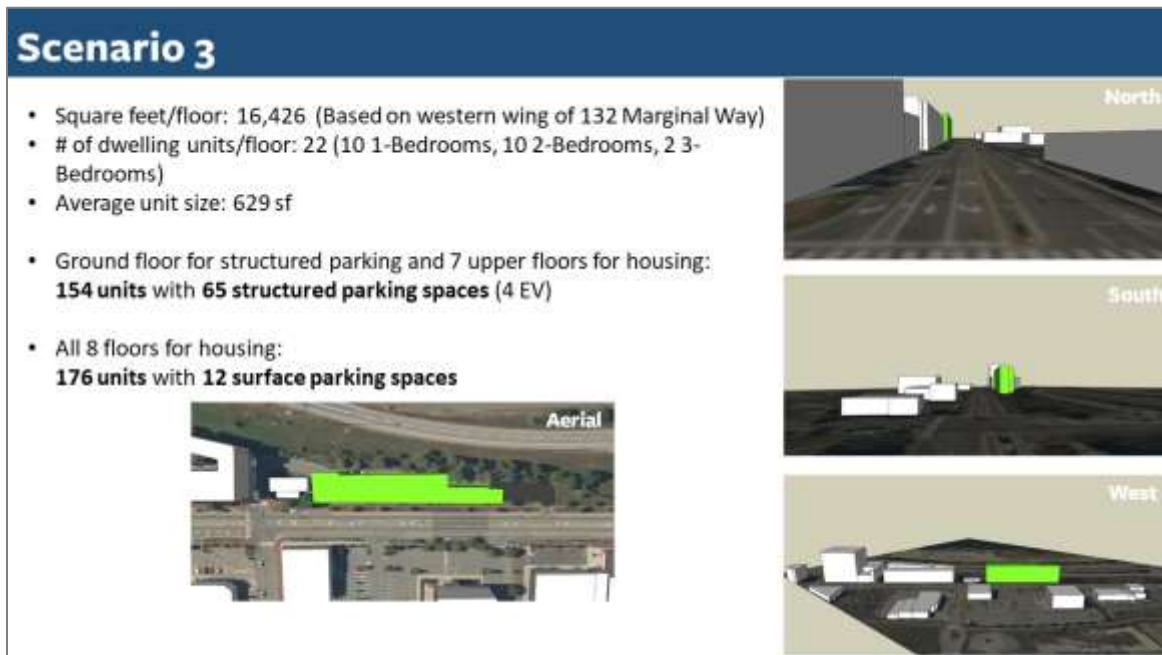
Scenario 2 is a higher density scenario than Scenario 1, assumes smaller units, and a mix of studios and one bedrooms. It also does not encompass the entire lot, and depending on the total parking provided, could provide between 112 – 128 dwellings.

Scenario 2

- Square feet/floor: 10,492 (Based on 4th Floor of 200 Federal Street)
- # of dwelling units/floor: 16 (7 Studios, 9 1-Bedrooms)
- Average unit size: 643 sf
- Ground Floor for structured parking and 7 upper floors for housing:
112 units with 65 parking spaces (33 structured [4 EV] and 32 surface)
- All 8 floors for housing:
128 units with 32 surface parking spaces



Scenario 3 is denser yet, assumes a relatively small average unit size but also includes a mix of 1, 2 and 3 bedroom units. Depending on the amount of parking provided, it could provide between 154 – 176 dwellings.



Scenario 4 is the densest of the four buildout scenarios, assumes full build-out of the lot, relatively small average unit sizes, and a range of bedroom mixes. Maximum dwelling unit estimates range from 259 – 296 units.



Conclusion

In conclusion, the current zoning would allow for a high density housing development on the site, but the zoning regulations don't set a fixed maximum. The above scenarios are estimates that range from 70 to several hundred housing units since how much housing to expect would depend on how much space was allocated for other things, such as site circulation and amenities, other uses, total parking and parking layout, and the size and composition of the housing units proposed.

To: Councilor Ali and Members of the Housing and Economic Development Committee

From: Troy Moon, Director of Sustainability

Date: March 30, 2023

Regarding: EV Charging / Marginal Way Parking Lot

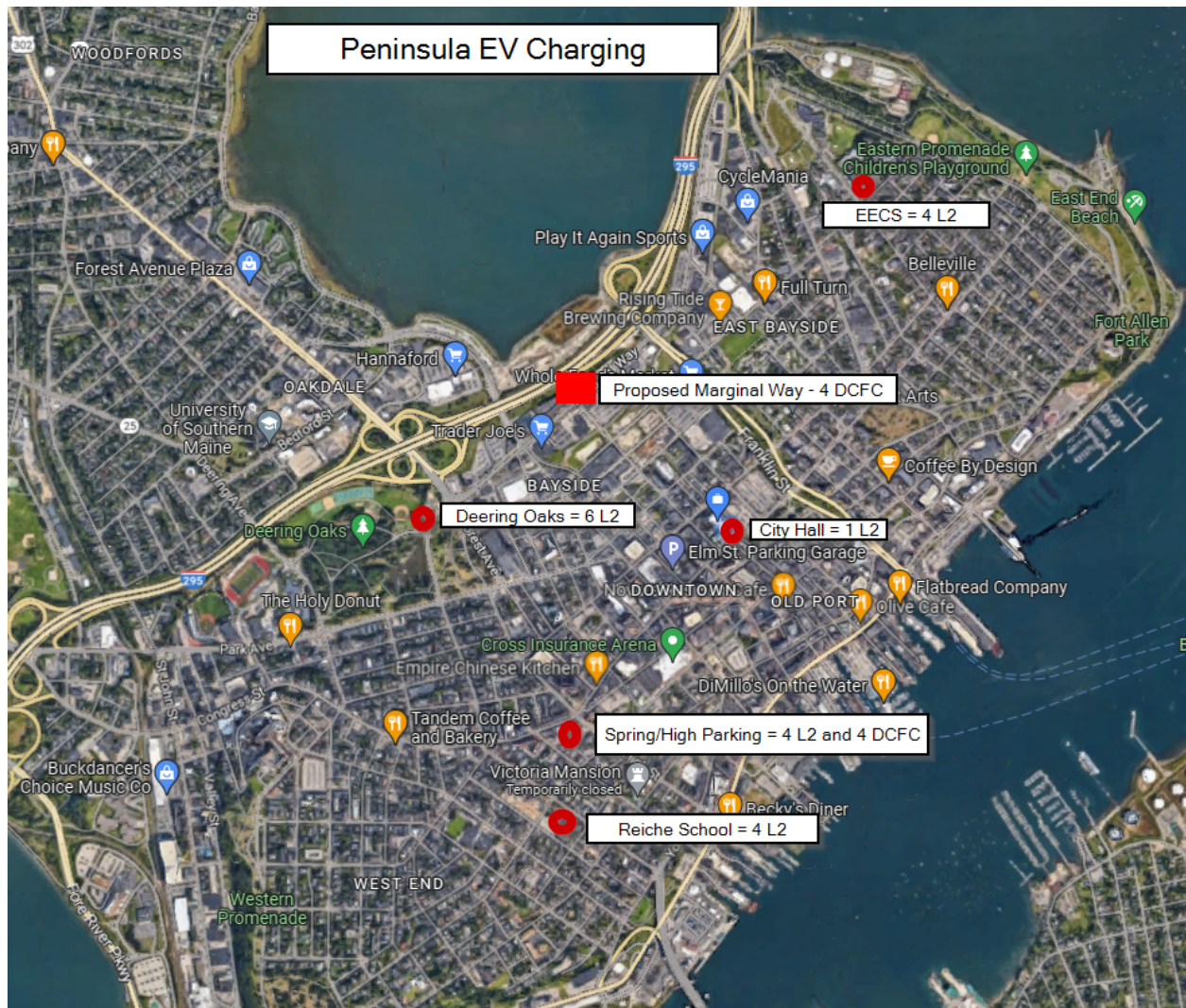
I appreciate the opportunity to discuss our proposal to install four DC fast chargers in the Marginal Way parking lot close to the Miss Portland Diner. This location would provide residents in the Bayside neighborhood with a convenient place to charge vehicles while also serving other residents and visitors to the City because of its proximity to dining and shopping.

Background:

Our climate action plan calls for the widespread adoption of electric vehicles to reduce carbon emissions from cars and trucks. To help us accomplish this goal, we entered into an agreement with EVgo to install eight DC fast charging stations and up to forty four Level 2 charging stations in neighborhoods around the city. Per our agreement, EVgo and the City will mutually agree upon locations for the DC fast chargers and EVgo will install the Level 2 chargers at locations selected by the City. The full deployment of this infrastructure will be at no cost to the City.

Our strategy is to deploy clusters of chargers in parts of the city with a high proportion of renters. This is because renters are unlikely to purchase an electric vehicle unless they have access to a charger within easy walking distance to their home. So far, as part of our agreement with EVgo, we have installed Level 2 charging stations at East End School and in the Deering Oaks Parking Lot. We have also installed four DC fast chargers in the parking lot at the corner of Spring Street and High Street. (These complement the four City owned Level 2 chargers installed last year.) Another cluster

of four Level 2 chargers to be located at Reiche School is in development. We are also working to identify the best locations for thirty additional Level 2 chargers.



During the development of our agreement, both City staff and EVgo identified the Marginal Way parking lot as an ideal location for DC fast chargers because of its proximity to dining and shopping opportunities and its ability to serve the Bayside neighborhood. Unfortunately, this location was owned by the Maine Department of Transportation at the time so we could not move forward with it. We identified an alternative location on Commercial Street that we have since abandoned due to insurmountable conflicts with both sewer and electric utilities. At the same time, the City acquired the Marginal Way parking lot from MDOT, opening the possibility of returning to our preferred location.

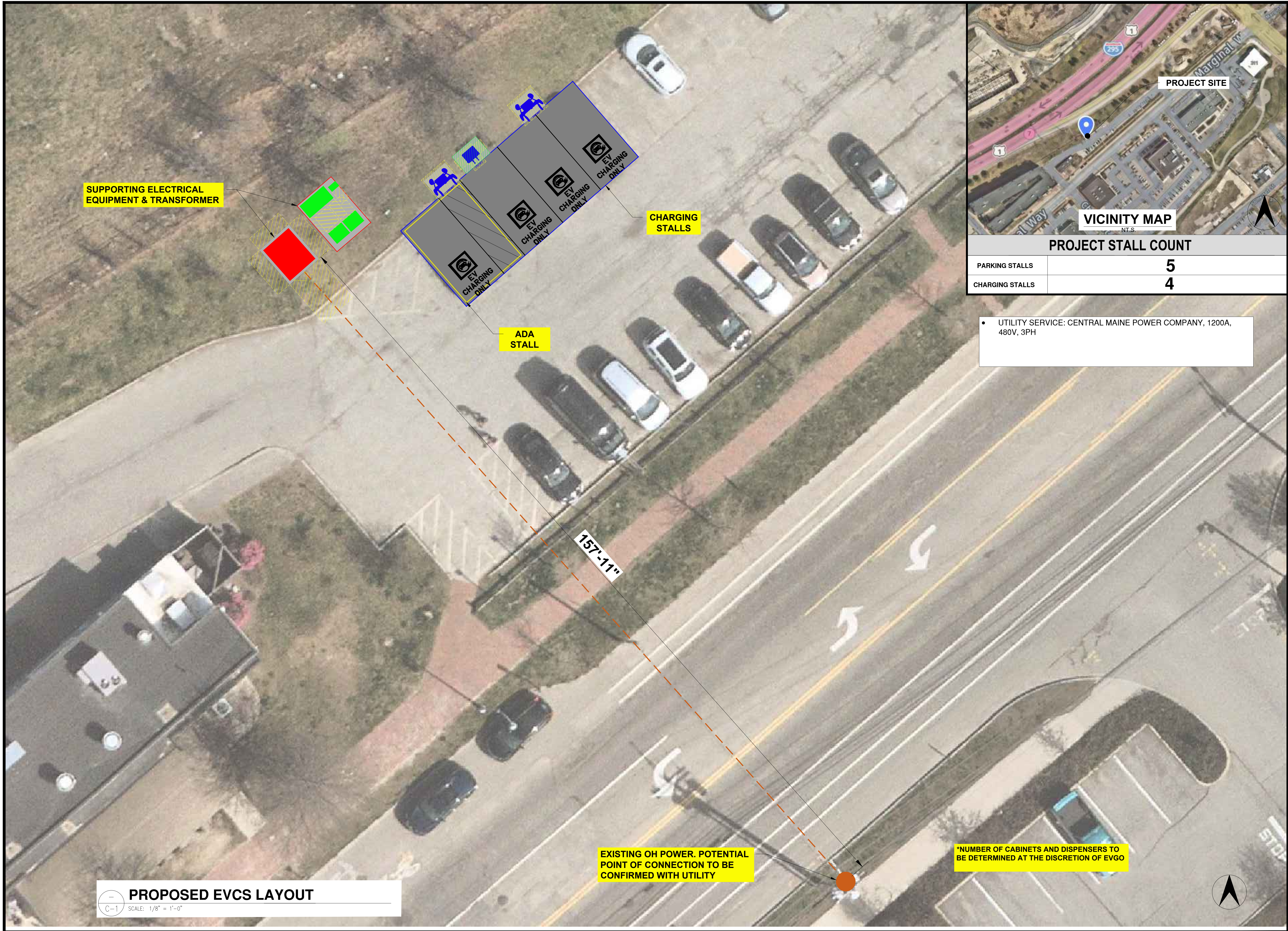
Proposal:

We seek to equip four parking spaces close to Miss Portland Diner with DC fast charging plugs. This would take up five existing spaces in order to ensure at least one of the charging stations is handicap accessible. I have attached a preliminary drawing for reference.

This location is ideal for several reasons:

- It is located close to dining and shopping opportunities that patrons can take advantage of while charging
- It is close to existing multi-family housing in Bayside and will serve neighborhood residents to drive an EV and encourage others to do so
- There's room to install transformers and switchgear in the right of way behind the parking lot so it does not interfere with other uses of the property
- It maintains the opportunity to explore housing options in the remaining portion of the property.
- Our agreement with EVgo is for ten years, so we have flexibility to pursue other uses in the future.

I look forward to discussing this with the committee.





Mary Davis <mpd@portlandmaine.gov>

Re: Marginal Way Parking Lot

1 message

Cloutier, James <cloutierj@ccdpa.com>

Tue, Apr 4, 2023 at 3:18 PM

Cc: "pali@portlandmaine.gov" <pali@portlandmaine.gov>, "rrodriguez@portlandmaine.gov" <rrodriguez@portlandmaine.gov>, "mdion@portlandmaine.gov" <mdion@portlandmaine.gov>, "rphillips@portlandmaine.gov" <rphillips@portlandmaine.gov>, Mary Davis <mpd@portlandmaine.gov>, Lee Urban <leearban808@gmail.com>, "ksnyder@portlandmaine.gov" <ksnyder@portlandmaine.gov>, Stefanie Manning <shmanning@me.com>, "atrevorrow@portlandmaine.gov" <atrevorrow@portlandmaine.gov>, Tom Manning <tomakslc@hotmail.com>

Hello Councilors, Mayor, Tom, Stefanie and Lee

I hope there will be a deliberate committee process to honor the commitments made to Mr. Manning as part of his agreement to maintain and improve this historic diner in Bayside. One of a diminishing number of still functioning Worcester Dining Cars, the Miss Portland had been an anchor of the West Bayside community for a number of years which was donated to the city under an agreement to preserve it in functioning condition. Its previous owner was evicted from its leased site to facilitate the construction of the Gorham Savings Bank Bayside branch at Marginal Way and Hancock.

Mr. Manning purchased the site from the city under a fully negotiated contract requiring participation in the costs of infrastructure enhancement at his site and the adjoining public infrastructure. The adjacent parking was a state owned Park and Ride parking facility where diner patron use was successfully allowed after discussion with the Maine DOT. The lot is apparently now owned by the city. A substantial volume of Miss Portland's trade comes from Portland long term residents who traded at the diner in its former location, at the Manning family enterprise of Tom Manning's parents at the Shamrock Cafe, and many others who access the area by motor vehicle, as was well understood as the details of this undertaking were developed.

I certainly urge you to only develop plans for this area that accommodate successful continuing operations for this landmark. Mr. Manning's email accurately refers to my role at the time as Chair of the Community Development Committee and as the Chair of the . Following a term as Mayor, and at the request of succeeding Mayor Nathan Smith, I succeeded him as Chair of the Bayside Development Committee with the task of writing a new Bayside plan, as we had by then largely completed the tasks of the original plan.

I recommend you make it your business to consult fully with Lee Urban, who was the crucial staff leader as the city began, evolved and advanced its plans to complete the "New City" redevelopment of the blighted areas of Bayside and the Eastern Waterfront. Preservation and improvement of both the Miss Portland and Becky's Diner were elements of this effort to serve as magnets and walkable neighborhood features.

Jim Cloutier

On Tue, Apr 4, 2023 at 12:36 PM Tom Manning <tomakslc@hotmail.com> wrote:

>

> To the Committee:

>

> I'm the owner of the Miss Portland Diner at 140 Marginal Way. In lieu of having the opportunity to address the committee at this evening's Housing & Economic Development Committee meeting, I'm writing in hopes that the committee has had the opportunity to read the letter from Stefanie and myself regarding the impact that the potential Marginal Way project will have on our business.

>

> Both Lee Urban, the City's Director of Planning and Economic Development in 2007, and Councilman James Cloutier, the Chairman of the Community Development committee in 2007, plan to be on the Zoom meeting tonight and are poised to offer the committee any insight it needs as to how our agreement with the City came about. Mr. Cloutier was also the author of the Bayside Visual Plan.

>

> We are aware that things change in 15 years. We recognize the need for housing in Portland. We understand that there has been a change in the ownership of the Marginal Way parking lot from the State to the City. What is disheartening is that the City, who went to bat for us and negotiated parking rights for us in the lot when the State owned it, is overlooking the impact on us now that they own it. Not to mention that the parcel of land where the diner sits was selected by the City and required as part of the agreement. The City wanted the diner in Bayside to promote foot-traffic and to jump start the visionary redevelopment of Bayside – the reason they took possession of the landmark diner car in the first place.

>

> We made a commitment to the City to move forward on our project to restore and bring back to life a City landmark even in the worst of economic times. We spent \$1 million on the project which included site work conditions set by the City and a historical restoration of the diner itself under the guidance of the historical preservation department.

>

> We kept our word and promises; hopefully the City will work do the same. We are worried about the value of our business without parking, and we expect that accommodations will be made to keep us whole through this development process.

>

> Thank you for your consideration.

>

>

> Tom Manning
> Owner, Miss Portland Diner
> 140 Marginal Way
> Portland, ME 04101
> 207.210.6673 (diner)
> 917.951.4109 (mobile)

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Cloutier, Conley & Duffett, P.A.

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207.775.1515 tel.
207.774.7984 fax



Mary Davis <mpd@portlandmaine.gov>

Marginal Way Parking Lot

1 message

Tom Manning <tomakslc@hotmail.com>

Tue, Apr 4, 2023 at 12:36 PM

To: "pali@portlandmaine.gov" <pali@portlandmaine.gov>, "rrodriguez@portlandmaine.gov" <rrodriguez@portlandmaine.gov>, "mdion@portlandmaine.gov" <mdion@portlandmaine.gov>, "rphillips@portlandmaine.gov" <rphillips@portlandmaine.gov>
Cc: Jim Cloutier <cloutierj@ccdpa.com>, Mary Davis <mpd@portlandmaine.gov>, Lee Urban <leearban808@gmail.com>, "ksnyder@portlandmaine.gov" <ksnyder@portlandmaine.gov>, Stefanie Manning <shmanning@me.com>, "atrevorrow@portlandmaine.gov" <atrevorrow@portlandmaine.gov>

To the Committee:

I'm the owner of the Miss Portland Diner at [140 Marginal Way](#). In lieu of having the opportunity to address the committee at this evening's Housing & Economic Development Committee meeting, I'm writing in hopes that the committee has had the opportunity to read the [letter from Stefanie and myself](#) regarding the impact that the potential Marginal Way project will have on our business.

Both Lee Urban, the City's Director of Planning and Economic Development in 2007, and Councilman James Cloutier, the Chairman of the Community Development committee in 2007, plan to be on the Zoom meeting tonight and are poised to offer the committee any insight it needs as to how our agreement with the City came about. Mr. Cloutier was also the author of the Bayside Visual Plan.

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We made a commitment to the City to move forward on our project to restore and bring back to life a City landmark even in the worst of economic times. We spent \$1 million on the project which included site work conditions set by the City and a historical restoration of the diner itself under the guidance of the historical preservation department.

We kept our word and promises; hopefully the City will work do the same. We are worried about the value of our business without parking, and we expect that accommodations will be made to keep us whole through this development process.

Thank you for your consideration.

Tom Manning
Owner, Miss Portland Diner
[140 Marginal Way](#)
Portland, ME 04101
207.210.6673 (diner)
917.951.4109 (mobile)

February 2, 2023

To: Portland City Housing

It has come to our attention that there is consideration for housing to be built in the parking lot adjacent to our current location at 140 Marginal Way. We wanted to bring to your attention the impact that this prospective development would have on our 2007 agreement with the City of Portland.

Upon our interest in purchasing the Miss Portland Diner, it was the City's caveat that the diner remain in Bayside as part of its visionary redevelopment project. As the parcel of land where she sits was adjacent to the parking lot, a parking stipulation was included in the purchase and sale agreement as a much-needed asset to help us attract business to that location. The arrangement with MDOT was negotiated by the City and included an out clause to our business agreement. We also, at the time, discussed the possibility of the lot being considered as a future site for development and were told that housing in that location was not feasible given the size of the lot and the requirements for parking that go along with development.

As the resulted agreement included access to the parking lot, we took on the all site expenses in order to access the lot including the road that runs from Marginal Way, behind the diner and into the parking lot; the granite curbing on Marginal Way in front of the diner and all the way around the back of the diner into the parking lot; the 8-foot brick sidewalk in front of the diner and asphalt sidewalks around the diner; and the street light in front of the diner.

With Lee Urban's leadership from the City, we penned our commitment to restore and invest over \$1m to save the Diner during a less than favorable economic downturn where new business development was very low. We gave our word to the City that we would see this project through and we have done more than our share to uphold that promise.

The lot in question not only serves our local and tourist customers, but also our staff, the housing next door and other businesses in Bayside. Access to the parking lot serves our deliveries and trash removal. Without these assets, the value of our business diminishes greatly.

We have put our heart and soul into making the diner the City landmark it deserves to be – and we did so with the City's promise to offer parking. It is our hope that the City will keep its word, as stated in our purchase and sale agreement, as it considers future development sites in Bayside.

Thank you for your consideration.

Tom & Stefanie Manning
Owners, Miss Portland Diner
140 Marginal Way, Portland

MEMORANDUM

To: Councilor Pious Ali, Chair
Members of the Housing and Economic Development Committee

From: Mary Davis, Interim Director, Housing and Economic Development Department

Date: March 31, 2023

RE: 2023 Housing and Economic Development Committee Proposed Work Plan

The work plan and draft schedule for the Housing and Economic Development Committee is attached.

As has been the practice of the committee, the work plan and schedule will be included on every HEDC meeting agenda to provide an opportunity for committee members to provide updates and direction on the agenda schedule.

DRAFT
Housing & Economic Development Committee
2023 Work Plan Schedule
as of March 30, 2023

April 4, 2023

1. Presentation of Annual Report from Permitting & Inspections Dept. Re: Short/Long Term Rental Registration Program and Housing Safety.
2. Communication - Memo from City Staff regarding the Franklin Street Redesign Plan
3. Communication - Findings of January 2023 Housing Supply Boot Camp
4. Communication - Memo from City Staff regarding City Owned Property - 0 Marginal Way Parking Lot

April 18, 2023

1. (Public Hearing) Review and Recommendation to the City Council - Regarding establishing a Tourism Improvement District.
2. (Public Hearing) Review and Recommendation to the City Council - Amendment to the City's Tax Increment Financing Policy
3. (Public Hearing) Review and Recommendation to the City Council - Report to HUD on Analysis of Impediments to Fair Housing
4. (Public Hearing) Review and Update regarding Portland Adult Ed FY23 Workforce Development Programs and FY24 Funding Request.

May 16, 2023

1. (Public Hearing) Review and Recommendation to the City Council - Annual Portland Downtown District Documents
2. Presentation of the Annual Housing Report - 2022 Data
3. Workshop - Portland's Eastern Waterfront/Off-Shore Wind Discussion

June 20, 2023

1. Consideration of year-round outdoor dining on public property (excluding streets)

July 18 2023

- 1.

August 15, 2023

- 1.

September 19, 2023

- 1.

October 17, 2023

- 1.

November 21, 2023

- 1.

December 19, 2023

- 1.

COMPLETED WORK

January 17, 2023

1. Facilitated Work Plan Discussion

February 21, 2023

1. Workshop - Responsibilities of the Housing and Economic Development Department
2. Review Letter from the Rental Housing Advisory Committee
3. (Public Hearing) Review and Recommendation to the City Council – FY24 Housing Program Budget
4. (Public Hearing) Review and Recommendation to the City Council - HOME-ARP Program Plan
5. (Public Hearing) Review and Recommendation to the City Council - Thames Street Purchase and Sale Agreement

March 21, 2023

1. (Public Hearing) Review and Recommendation to the City Council – 2023 Jill C. Duson Housing Trust Fund Annual Plan
2. (Public Hearing) Review and Vote to Approve the Issuance of 2023 Affordable Housing TIF and Affordable Housing Development Fund Application for the Jill C. Duson Housing Trust Fund, HOME Program
3. (Public Hearing) Review and Recommendation to the City Council to continue to Participate in the Cumberland County HOME Consortium
4. Executive Session Review and Direction to Staff on Negotiations with USL Soccer Proposal at Fitzpatrick Stadiums

2023 Housing and Economic Development Committee Draft Work Plan March 17, 2023

	Annual Committee Work	Staff Recommendations	Committee Members' Priorities	Status
ECONOMIC DEVELOPMENT POLICY				
Review Tax Increment Financing (TIF) investment in workforce training for FY2024 funding.		X		
Vote on Tourism Improvement District proposal		X		
Research and present options for public-private partnerships to support parking garage and possible new affordable housing - City-owned Bayside Lot 6, (corner of Somerset & Chestnut St) acquired by the City Council through eminent domain		X		
Waterfront Activity Workshop including - Harbor Dredge Project, Portland Harbor Commons, Off-Shore Wind, and other items		X	X	
Accessibility of Public Buildings, ADA Compliance			X	
Consideration of year-round outdoor dining on public property (excluding streets)				

	Annual Committee Work	Staff Recommendations	Committee Members' Priorities	Status
AFFORDABLE HOUSING POLICY AND BUDGETS				
Policy Discussion re: (1) Guidelines and Priorities for the allocation of city resources for housing development (2) use of priority nodes and corridors for housing development (possible committee workshop with Planning Dept staff)	X	X	X	3.21.23
Review of FY 2024 Housing Program Budget	X			2.21.23
Review of 2023 Jill C. Duson Housing Trust Fund Annual Plan and the 2023 Affordable Housing Development Application	X			3.21.23
Review and Analysis of the Role of the Rental Housing Advisory Committee		X	X	

	Annual Committee Work	Staff Recommendations	Committee Members' Priorities	Status
AFFORDABLE HOUSING/ECONOMIC DEVELOPMENT - PUBLIC-PRIVATE PARTNERSHIPS, REAL ESTATE TRANSACTIONS				
Review and Vote to Approve Funding Requests Received from the Affordable Housing Development Applications for City Housing Trust, HOME funds & AHTIF CEA Requests.	X	X		
Review City Owned property to sell/lease to support affordable housing		X		
Portland United Soccer League Proposal				
Purchase & Sale Agreement - Sale of a portion of City-owned Thames St. Property		X		2.21.23
Kennebec Street Realignment (from Brattle to Forest)				
Review of Franklin Street Plan and Possible Use of Federal Reconnecting Communities Grant - Possible Joint Meeting with Sustainability & Transportation			X	

	Annual Committee Work	Staff Recommendations	Committee Members' Priorities	Status
ANNUAL REPORTS AND ACTIONS				
Presentation of 2022 Housing Report Part I and Part II	X			
FY24 Annual Allocation Plan (Jan-April) & Analysis of Impediments to Fair Housing	X	X		
Presentation, Annual Overview, Integrated Report -Permitting & Inspections, Fire Department Short-term/Long-term Rental Housing Safety & Inspection Program - Implementation & Financial Report/ Discussion of Dept. Staff Needs	X		Process established under prior Housing Committee X	
City TIF District Annual Activity Report (November)	X			
Committee Annual Accomplishment Report (November)	X			